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HUNTERS POINT
SSIC NO. 5090.3.A

Hunters Point Shipyard
Installation Restoration Program
Public Information Materials

27 May 2004
Public Meeting/Restoration Advisory Board Meeting
Held at Dago Mary's Restaurant
San Francisco, California

Materials/Handout Include:

- Agenda for 27 May 2004 RAB
- Meeting/Minutes from 22 April 2004 RAB Meeting
  - Includes: Action Items from 22 April 2004 RAB Meeting; and
  - Table 1, RAB Roll-Call Sheet
- Reporters Transcript from 27 May 2004 RAB Meeting
- PowerPoint Presentation, NAVSEA, HRA Update, 27 May 2004
- Monthly Progress Report, April 2004
- Meeting Minutes, HPS RAB, Economic Subcommittee, 04 May 2004 (w/attachment)
- Meeting Minutes, HPS RAB, Membership/Bylaws & Community Outreach Subcommittee, 12 May 2004 (w/attachment)
- Meeting Minutes, HPS RAB, Technical Review Subcommittee, 13 April 2004 and 18 May 2004 (w/attachment)
- Letter from ARC Ecology to Keith Forman, Draft Final Finding of Suitability to Transfer Parcel A, 24 May 2004
- Letter from ARC Ecology to Lynne Brown, Response to Lynne's e.mail regarding ARC Ecology's alleged conflict of interest, 26 May 2004
- Handout, Project Fact Sheet, Bayview Transportation Improvements Project
- Handout, Cancer Risks and Hazard Indices, IR 59-JAI, Parcel A -2002 PRGs
- Handout, Summary of Waste Consolidation at HPS, 27 May 2004
- Handout, Draft Revised Proposed RAB Rule, January 2004

Standard Handouts Not Included in this Packet:

- HPS List of Acronyms and Abbreviations
- HPS Mailing List Update Form
- HPS RAB Membership Application Form
- HPS Bylaws

HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD (RAB) - MEETING AGENDA
THURSDAY, 27 MAY 2004

Day/Date:
Thursday – 27 May 2004
Time:
6:00 p.m. to 8:00 p.m.

Location:
Dago Mary's Restaurant
Hunters Point Shipyard
Building # 916
San Francisco

Facilitator: **Marsha Pendergrass**

Time	Topic	Leader
6:00 p.m. – 6:05 p.m.	Welcome/Introductions/Agenda Review	Marsha Pendergrass *Facilitator*
6:05 p.m. – 6:15 p.m.	Approval of Meeting Minutes from 22 April 2004 RAB Meeting • Action Items	Marsha Pendergrass
6:15 p.m. – 6:20 p.m.	Navy Announcements	Keith Forman *Navy Co-chair*
	Community Co-chair Report/Other Announcements	Lynne Brown *Community Co-chair*
6:20 p.m. – 6:40 p.m.	Subcommittee Reports	Subcommittee Leaders
6:45 p.m. – 6:55 p.m.	RAB Community Co-chair Nominations	Marsha Pendergrass
6:55 p.m. – 7:05 p.m.	**BREAK**	
7:05 p.m. – 7:50 p.m.	Update on HPS Radiological Program	Laurie Lowman *RASO*
7:50 p.m. – 8:00 p.m.	Future Agenda Topics/ Open Question & Answer	Marsha Pendergrass
8:00 p.m.	Adjournment	Marsha Pendergrass

HPS web site: http://www.efdsw.navfac.navy.mil/Environmental/HuntersPoint.htm

RAB Navy Contact: Mr. Keith Forman (619) 532-0913 or (415) 308-1458

- - - PUBLIC NOTICE - - -

HUNTERS POINT SHIPYARD

Restoration Advisory Board Meeting

♦ ♦ ♦

6:00 P.M. – 8:00 P.M.

Thursday, May 27, 2004

Dago Mary's Restaurant

Hunters Point Shipyard, Building #916

San Francisco

The Restoration Advisory Board (RAB) is composed of concerned citizens and government representatives involved in the environmental cleanup program at Hunters Point Shipyard. Community participation and input is important and appreciated. The purpose of this meeting is to present the community with the current status and future cleanup schedule for Hunters Point Shipyard and to address the concerns of the entire community.

The interested public is welcome!

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For more information about this meeting and the Installation Restoration Program at Hunters Point Shipyard, please contact:

Mr. Keith Forman, BRAC Environmental Coordinator
Southwest Division Naval Facilities Engineering Command
1230 Columbia Street, Suite 1100, San Diego, CA 92101
(619) 532-0913 or (415) 308-1458

HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD MEETING MINUTES
22 APRIL 2004

These minutes summarize the discussions and presentations from the Restoration Advisory Board (RAB) meeting held from 6:00 P.M. to 9:20 P.M., Thursday, 22 April 2004 at Dago Mary's Restaurant (Building #916 at the Shipyard). A verbatim transcript was also prepared for the meeting and is available in the Information Repository for Hunters Point Shipyard (HPS) and on the Internet at www.efdsw.navfac.navy.mil/Environmental/HuntersPoint.htm The list of agenda topics is provided below. Attachment A provides a list of attendees. Attachment B includes action items that were requested and/or committed to by RAB members during the meeting.

AGENDA TOPICS:

1) Welcome/Introductions/Agenda Review
2) Approval of Meeting Minutes from 25 March 2004 RAB Meeting
3) Subcommittee Reports
4) Parcel A ROD and Related Documents
5) City of San Francisco/Navy Conveyance Agreement
6) Future Agenda Topics/Open Question & Answer
7) Adjournment

MEETING HANDOUTS:

- Agenda for 22 April 2004 RAB
- Meeting/Minutes from 25 March 2004 RAB Meeting
  - Includes: Action Items from 25 March 2004 RAB Meeting; and
  - Table 1, RAB Roll-Call Sheet
- PowerPoint Presentation, Dr. Ahimsa Sumchai, Parcel A ROD and Related Documents, 22 April 2004
- Written Presentation Notes, Dr. Ahimsa Sumchai, Parcel A ROD, 22 April 2004
- Meeting Minutes, HPS RAB, Economic Subcommittee, 06 April 2004
- Letter from ARC Ecology to Jay Navarrette, Comments on the Notification of Project Receiving Environmental Review, 19 September 2003
- Petition from HPS RAB to SFRA, Request for Continuance of "Conveyance Agreement" Pending Environmental Review
- Flyer, SFRA, Special Meeting, HPS Conveyance Agreement, 29 April 2004

Welcome / Introductions / Agenda and Meeting Minutes Review

Marsha Pendergrass, facilitator, called the meeting to order at 6:00 P.M. All in attendance made self-introductions. Ms. Pendergrass began the meeting and asked if there were any changes to the agenda; of which there were none. Ms. Pendergrass called for a motion to approve the meeting minutes and the minutes were approved with no revisions.

Ms. Pendergrass reviewed the Action Items contained in the March minutes and asked for a status of each item. Three of the items were carried-over (see Attachment B) and the remainder of the action items were resolved to the satisfaction of the RAB.

Navy and Community Co-Chair Reports/Other Announcements

Lynne Brown, RAB Community Co-Chair, asked about a recent Technical Review Subcommittee meeting that included meeting with the Citizen's Advisory Committee (CAC). He said the RAB had not voted to approve such a meeting. Lea Loizos, RAB member, replied that she copied Mr. Brown on a letter to Don Capobres, San Francisco Redevelopment Agency (SFRA), requesting a joint meeting between the Technical Review Subcommittee and the CAC. There was a lot of discussion about the appropriateness of a subcommittee of the RAB meeting with the Redevelopment and the CAC. Mr. Brown made a motion that any subcommittee of the RAB intending to hold a meeting with the CAC or any outside agency must first get the approval of the full RAB. The motion carried. There was additional discussion about the motion and its implication for each subcommittee. This additional discussion produced confusion amongst some of the RAB members. Ms. Pendergrass ended the discussion and requested that Mr. Brown restate and submit the motion in writing at the next RAB meeting where the motion will be ratified.

Keith Forman, Navy RAB Co-Chair, announced that the Community Involvement Plan (CIP) has been finalized and released. He thanked Carolyn Hunter, Tetra Tech, for her work on the CIP. Mr. Forman also said that there was a fire yesterday at an artist's studio located in back of Lola's Café. He also announced that the comment period for the Parcel A Finding of Suitability to Transfer (FOST) has been extended to Monday, 17 May 2004. He said that he will go into greater detail in further e-mails and a presentation when he knows more, but briefly Building 322, a former guard shack on Parcel A, is also listed as having once been located on Parcel D. Mr. Forman said a complete radiological survey will be completed before moving forward with the FOST. Ray Tompkins, RAB member, asked if the survey would include lead-based paint or asbestos. Mr. Forman replied that the survey would not look for those materials. Procedures for addressing lead-based paint and asbestos are already detailed in the FOST.

Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening, 27 May 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.

Subcommittee Updates

Membership, Bylaws & Community Outreach Subcommittee (Melita Rines, leader)

Melita Rines, RAB member, said the subcommittee did not meet this month.

Ms. Rines said that Marie Harrison is hereby removed the RAB due to excessive absences. A letter will be mailed informing Ms. Harrison of the determination. She said that Ms. Harrison will be encouraged to re-apply to the RAB.

Ms. Rines also said Community Co-Chair elections will be coming up in June. Nominations for the position will be made at the May RAB meeting, elections will be held at the June meeting, and the term for the Community Co-Chair position will run from July 1, 2004 through June 30, 2005.

On the agenda for the next subcommittee meeting will be discussing the SFPD term sheet, and clarifying the language of the Bylaws regarding attendance. She reminded the RAB that changes to the Bylaws will not be made until the September RAB meeting. Barbara Bushnell, RAB member, said that the definition of calendar year is already clear, but Ms. Rines said the long-standing interpretation of Bylaws subcommittee has a calendar year being 12 months back from the month of the current RAB meeting. The differences will be resolved in the next changes to the Bylaws. Ms. Rines stressed that this interpretation has been consistently and fairly applied to each former RAB member who was removed due to excessive absences.

The next meeting of the Membership, Bylaws & Community Outreach Subcommittee will be 6:30 P.M., May 12th, at the Anna Waden Branch Library.

Risk Review and Health Assessment Subcommittee (Karen Pierce, Leader)

Karen Pierce, RAB member, said the subcommittee did not meet this month.

Ms. Pierce said the next meeting of the subcommittee will be determined at a later date.

Technical Review Subcommittee (Lea Loizos, Leader)

Ms. Loizos reported on two meetings. The Tech subcommittee met and discussed the Parcel A FOST and there was a joint meeting with the Risk Review subcommittee that had been scheduled but cancelled. Ms. Loizos said though the joint meeting was cancelled she did prepare for the meeting and had a few items to report.

Starting with the Tech subcommittee meeting to discuss the Parcel A FOST, Ms. Loizos apologized that meeting minutes were unavailable. She summarized the meeting and said several regulators, RAB members, and the Navy were present and the meeting was an opportunity to express concerns and ask questions. Ms. Loizos said the majority of the concerns were regarding adjacency issues, and there was little discussion of Parcel A itself.

Ms. Loizos also reported that she looked into the Parcel A risk assessment and the Parcel E radiological risk assessment, at the request of Ahimsa Sumchai, RAB member. She replied that some of the preliminary remediation goals (PRGs) from the EPA were revised and have become less stringent for manganese and nickel. Ms. Loizos also said that concerns of metals in the groundwater were more or less resolved since the regulatory agencies have determined the groundwater underneath the Shipyard to be non-beneficial and therefore unlikely to pose a health threat. Regarding a review of the Parcel E radiological risk assessment, Ms. Loizos said the comments were that there was not enough consideration of how materials might have gotten off the Shipyard, as well as the effects off-site migration might have had on the bay and the sediments in the bay. The review also questioned why radium was the only radionuclide of concern on Parcel E.

Mr. Tompkins objected to the Navy changing the PRGs for manganese and nickel, as well as the subcommittee's report that these new levels are safe. He asserted that African-Americans are more susceptible to certain environmental contaminants than a 35-year old white male – the standard for standard risk assessment calculations. Ms. Loizos clarified her report and stated that the Navy did not change the PRGs, the EPA is the regulatory agency that sets the cleanup goals. Michael Work, US EPA, said he was unsure what variables were use for the PRGs for manganese but he would look into the question and report back.

J.R. Manual, RAB member, made a motion that Mr. Work should respond to the question about why the standards were changed. The motion carried. Ms. Pendergrass suggested that Mr. Work give the report to the Risk Review and Health Assessment Subcommittee before reporting back to the full RAB.

Ms. Loizos said that the Technical Review Subcommittee will meet at 5:30 P.M., May 6th, at the Community Window on the Shipyard, 4634 Third Street.

Break called at 7:12 P.M. Ms. Pendergrass called the meeting back to order at 7:22 P.M.

Economic Development Subcommittee (Maurice Campbell, Leader)

Maurice Campbell, RAB member, yielded the floor to Mark Gelsinger, Navy, for the subcommittee report. Mr. Gelsinger said an economic development workshop was held at the E.P. Mills Auditorium on March 27th which was attended by 122 participants from the

community and 57 vendors. Presentations were made with the goal of discussing subcontracting opportunities.

Mr. Gelsinger said that earlier today, a training session workshop was held for local Bayview truckers. He said the goal is to try and standardize the requirements for the invoicing and proposal process. Mr. Gelsinger also said that the subcommittee will provide 8-hour HAZWOPER training twice next month.

Mr. Gelsinger concluded his report with some economic figures. In Fiscal Year (FY) 2003, the Navy spent $38 million on the Shipyard and $700k locally. Since starting FY'04, the Navy has spent $28 million on the Shipyard, with $2.5 million locally on trucking and an additional $144k to local businesses. Mr. Gelsinger also said compared to 39 local hires in FY'03, thus far 28 local hires have been made with an additional 69 expected through the remainder of the year.

Mr. Campbell said the next meeting of the subcommittee will be at 2:30 P.M., May 4th, at the Anna Waden Library.

Ad-Hoc Radiological Subcommittee (Ahimsa Sumchai, Leader)

There was no report from the subcommittee.

The Radiological Subcommittee will meet at 3:00 P.M. on May 26th, at the Greenhouse, located at 4919 Third Street, at Palou.

Parcel A ROD and Related Documents

Dr. Sumchai introduced herself and said the topic of her presentation is the Parcel A Record of Decision (ROD) and supporting documents, as well as focusing on some of the health and legal aspects of the proposed transfer of Parcel A. There were no handouts available for the presentation.

Dr. Sumchai began with a historical summary of Parcel A. She said the Parcel was established in 1992 as part of the Federal Facilities Agreement (FFA) between the Navy and the regulators as was agreed upon after the closure of the Shipyard. Also, following environmental investigations by the Navy the Shipyard was placed on the National Priorities List (NPL) due to the presence of hazardous substances present throughout the Shipyard. Dr. Sumchai said Parcel A is very interesting in that it has undergone numerous revisions of its boundaries, originally 90 acres and now 75 acres, in an effort to remove contaminants from within the boundaries. She stated that the more you study Parcel A, and find more contamination, the smaller the Parcel becomes. Dr. Sumchai said revisions of the Parcel A boundaries triggers CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) and NEPA (National Environmental Policy Act) review, whereby any revision of the boundaries of a parcel that has been previously cleared by CERCLA must consider adjacency issues that are introduced by the revisions.

Dr. Sumchai said 7 of the 15 subparcels in Parcel A have an environmental condition of property (ECP) overall category of 4 to 7. She discussed how in one instance the Navy averaged the results from two adjacent subparcels (S46A in Parcel A and S46E in Parcel E) to arrive at an overall ECP value low enough to allow transfer. She also said that there are areas of the Shipyard that never underwent the CERCLA process of the first steps of preliminary assessment and site investigation. And yet the Navy assigned ECP categorizations for areas that essentially were never looked at. She also added that none of the five geographic land parcels on the Shipyard have gone through the full nine steps of the CERCLA process.

Dr. Sumchai returned to her examination of Parcel A, and specifically the dirt at Parcel A and the levels of ambient chemicals of potential concern that are present there. She said that Ms. Loizos'

interpretation of the human health risk assessment report for Parcel A is wrong. She said the risk assessment minimized its impact not because the PRGs were lowered but because some of the chemicals of potential concern (arsenic, lead, cobalt, chromium, and nickel) that initially drove the high cancer risk and adverse health effects were removed after being designated as having a Hunters Point Ambient Level (HPAL). Dr. Sumchai said an great deal of uncertainty and controversy went into calculating the HPALs. For example, nickel is abundant in the earth's crust however according to the medical establishment, the highest sources of nickel in the environment comes from the combustion of fuel oil. Dr. Sumchai suggested that the nickel at the Shipyard might be ambient or it might be the result of the 610,000 gallons of fuel oil that was burned in Operation Crossroads. This and other examples she presented raises the question of whether or not levels of chemical contaminants present at the Shipyard, particularly those present at levels above the HPALs, are truly ambient.

Dr. Sumchai concluded her presentation by stating that Parcel A is not suitable for transfer. She cited seven subparcels within Parcel A that have a ECP classification of 4 to 7. Also, she said the Navy has failed to conduct radiological investigation of the storm drain and sanitary sewer systems on Parcel A even though the Historical Radiological Assessment (HRA) established that basewide, the storm drains are considered an impacted area. Dr. Sumchai also said that black beauty sandblast grit was discovered in two sites at IR-59 JAI. She said radiological analyses were not done on either of those sites. She asserted that IR-59 JAI is essentially a MARSSIM-Class 1 (Multi-agency Radiological Survey and Site Investigation Manual) radiologically impacted area. Dr. Sumchai also suggested that regulators should consider the documented history of numerous fires that have occurred on Parcel A, and that it should be considered as an imminent risk and threat to human lives and property.

Ms. Pendergrass opened the floor for questions from the RAB. Mr. Tompkins made a motion to extend the RAB meeting to allow more time for questions and answers. The motion was approved by the RAB.

Mr. Manual thanked Dr. Sumchai for her presentation. He asked the regulators present at the meeting whether or not the CERCLA process was being circumvented, as suggested in the presentation, and whether or not a full assessment will be conducted for Parcel A. Mr. Work replied that the EPA is currently reviewing the Parcel A remedial decision but has not identified anything that would cause them to reopen a CERCLA decision for Parcel A. Mr. Forman added that there are two reports that make up the assessment for Parcel A – the ROD and the FOST. The FOST documents the CERCLA and some non-CERCLA issues which make up the comprehensive review that is required prior to transfer.

In the way of action items or recommendations, Dr. Sumchai requested that the EPA look into the issues she raised in the conclusion of her presentation. Mr. Forman replied that the Navy would look into the issues and report back to the RAB. Mr. Forman indicated that he felt Dr. Sumchai was confused on some facets of environmental assessments. Mr. Tompkins objected to Mr. Forman's remark. Lani Asher, RAB member, agreed with Mr. Tompkins.

Ms. Pierce said that the transfer of Parcel A should not proceed until the issue of ambient levels of contamination is resolved. Mr. Forman said he could give a presentation on the development and formulation of HPALs. Ms. Pierce replied that a presentation is unsatisfactory. She said that discussions should resume since the RAB and the regulators agree that the calculation of the ambient levels is in disagreement with the Navy's definitions. She made a motion that no transfer take place until the definitions are clarified and an agreement is reached. The motion was seconded and carried.

A second break called at 8:08 P.M. Ms. Pendergrass called the meeting back to order at 8:18 P.M.

Keith Tisdell, RAB member, made a motion that the Navy, regulators, and the RAB have a special meeting to discuss these issues. He stipulated that the questions should be prepared and distributed to everybody ahead of time. Lengthy discussion ensued about the date, time, and format of such a meeting, and it was decided by show of hands that the meeting should take place at 10:00 A.M., on Saturday, May 1st, at the Milton Meyers Gym. Ms. Pendergrass said that questions should be directed to the Community Co-Chair, Mr. Brown.

City of San Francisco/Navy Conveyance Agreement

Elaine Warren, City of San Francisco, introduced herself and thanked the RAB for staying late to hear her presentation. She began by saying the City is very pleased to have reached the point that is has with the conveyance agreement, and thanked some members of the RAB for their involvement.

Ms. Warren said she wanted to begin by dispelling some confusion surrounding the conveyance agreement and reassured the RAB that it does not transfer property nor is the City bound to accept property from the Navy if it is still dirty. She said that it spells-out a process for the transfers of property in accordance with the rules in the conveyance agreement. She said her presentation will explain the process of how the conveyance agreement was made with the Navy. Also contained in the conveyance agreement are the principles of Proposition P.

Ms. Warren said the work on the conveyance agreement essentially started in 1991 when Congresswoman Pelosi sponsored special legislation that allowed the Navy to transfer the property to the City at no cost. Ms. Warren said the no-cost feature is an important component of the conveyance agreement. She said there were a series of non-binding agreements that were worked out with various San Francisco mayors and the Navy. In 1997 the Board of Supervisors adopted the redevelopment plan, and at that time it was realized that there was a need to incorporate the redevelopment plan into the transfer agreement with the Navy. That lead to a Memorandum of Agreement (MOA) with the Navy in 2000 which, Ms. Warren said, was instrumental in setting the framework for the conveyance agreement. Ms. Warren said one of the key principles of the conveyance agreement is that it establishes environmental conditions for the transfer of the property. It does not replace the CERCLA process but it established that there are certain conditions the Navy needs to meet in order for the City to accept the property.

The conveyance agreement negotiations began in January 2002 and continued through March 2004. During that time, it was thoroughly reviewed by numerous people on the RAB, was approved by the CAC, and also went to lawmakers in Washington D.C. for their approval.

Ms. Warren explained some of the details of the conveyance agreement, again stressing that it does not transfer any property. She said it provides for the Navy to offer the property to the Redevelopment Agency as each parcel is cleaned up to a level acceptable to the City. The Navy will offer a parcel only after the regulators (US EPA, Department of Toxic Substances Control [DTSC], and the Regional Water Quality Control Board [RWQCB]) have agreed that the cleanup is consistent with the redevelopment plan. The conveyance agreement also creates a partnership for achieving property transfer by expressly recognizing the importance of the RAB. In the agreement, the Navy pledges to continue to support the RAB and continue its functions and operations. Ms. Warren said the agreement also provides that the City can inspect the property and conduct its own due diligence to check on the conditions of the property before accepting transfer. These agreements provide a closer working relationship between the City and the Navy to try and move the cleanup process forward.

Ms. Warren also explained that the property conditions are different for different parcels. For example, on Parcel A the cleanup standard the Navy needs to achieve is defined as unrestricted

residential reuse, as envisioned in the Parcel A ROD. For Parcel B, the City will hold the Navy to the standard contained in the Parcel B ROD, which is cleanup to a level of $1x10^{-6}$ excess cancer risk, even though regulators could relax that standard. She said that the City recognizes that the Navy has experienced difficulties in trying to carry out the Parcel B ROD, and will work with the Navy to try and resolve those problems. Ms. Warren said a ROD Amendment that is open to public input is preferable to trying to work around the edges of the Parcel B ROD.

In whole, the conveyance agreement is seen by the City as a very positive document. To discourage the Navy from intentionally slowing the cleanup process, the conveyance agreement sets deadlines for cleanup as well as establishing incentives. The conveyance agreement does not require the City to accept property that is not cleaned up nor is the conveyance agreement an "early transfer". The Navy remains responsible for the property even after transfer to the City, which is consistent with CERCLA law.

Ms. Warren concluded her presentation by quickly outlining the conveyance process. Once the Navy offers a parcel to the City, the redevelopment agency has either 60 days (in the case of Parcel A) or 30 days (for the other parcels) to determine whether the Navy has met the requirements contained in the conveyance agreement. Assuming they've met the requirements, the agency will notify the Navy of the concurrence and the process concludes 120 days after the initial notice.

Ms. Pendergrass opened the floor for questions. Mr. Manual asked if the Navy has agreed to adhere to Proposition P. Mr. Forman replied that the Navy has not agreed to that, however the conveyance agreement incorporates the principles of Proposition P. Ms. Warren clarified that when the Board of Supervisors endorsed Proposition P, they said it called for the highest standards of cleanup that was practical to achieve. The conveyance agreement incorporates that concept by establishing cleanup standards that will allow the redevelopment plan to be implemented.

Kevyn Lutton, RAB member, asked for clarification on why the Mayor was called to Washington D.C. Ms. Warren replied that new Navy management, who had not been involved with the original negotiations, expressed some concerns about the conveyance agreement and asked for a meeting to discuss their reservations.

A third break called at 8:58 P.M. Ms. Pendergrass called the meeting back to order at 9:04 P.M.

Georgia Oliva, RAB member, asked for clarification on a comment Mr. Forman made earlier in the evening in reference to potential lead-based paint and asbestos cleanup at Building 322 being the responsibility of the developer while in contrast Ms. Warren said the Navy is ultimately responsible for cleaning up the property prior to transfer, per the conveyance agreement. Pat Brooks, Navy Lead Remedial Project Manager (RPM), replied that lead-based paint and asbestos remediation will be the responsibility of the new developer when it is demolished. Any radiological contamination, if found, will be cleaned up by the Navy. Ms. Warren added that they are in agreement with the Navy since lead-based paint and asbestos are not covered under CERCLA.

Mr. Tompkins asked if adjacent properties will be considered in the event of a property transfer. Ms. Warren replied that the conveyance agreement include assurances that the parcel is safe for the intended use and also requires looking at whether there are any possibilities of contamination from adjacent uses. Mr. Tompkins asked for further clarification, while Mr. Brown made a motion that the RAB approve a resolution calling for a full environmental review of the entire Shipyard as RAB's response to the conveyance agreement. Ms. Pendergrass called the motion and the motion carried.

Francisco Da Costa, attendee, asked Ms. Warren to address the rights of the Muwekma Ohlone and conduct an archaeological survey of the Shipyard.

Mr. Campbell asked Ms. Warren to comment on Parcels C and D. She said one of the important provisions of the conveyance agreement related to Parcels C and D is the requirement that the Navy use its best good-faith efforts to reach cleanup standards. She said the Navy was concerned that the required cleanup standards would be too difficult to reach, while the City was concerned that the Navy would not try hard enough. The conveyance agreement defines the good-faith effort to be spending up to $120 million on Parcels C and D from the time that they enter into the agreement. Dr. Sumchai asked if that means the Navy can transfer dirty property after spending the required $120 million trying to clean it up. Ms. Warren replied that the City is not obligated to accept the property at that time. In the event the Navy cannot reach the cleanup standards, the conveyance agreement allows for the City and the Navy to renegotiate the transfer.

Ms. Pendergrass closed the question and answer period.

Future Agenda Topics

Aside from the standard agenda topics and subcommittee updates, the following topic was proposed for the May RAB meeting:

- Nominations for RAB Community Co-Chair

Other Discussions/Topics

The following items were also discussed at the RAB meeting. A verbatim account of these discussions is included in the Information Repository for HPS and may also be found on the HPS web page at www.efdsw.navfac.navy.mil/Environmental/HuntersPoint.htm

- Ms. Bushnell raised a question with regard to dismissal of non-participating RAB member who have been removed from the RAB due to absences. She said the HPS Bylaws specify four absences in a calendar year and she feels the MB&CO Subcommittee erred in prematurely removing four RAB members. Ms. Rines replied that the issue was raised in a previous RAB meeting and will be discussed in depth at the next MB&CO Subcommittee meeting. In the meantime, the rule will continue to be applied until such time as the Bylaws are revised or additional language is added.
- Sam Ripley, RAB member, asked that Dr. Sumchai's presentation be made available in other languages.
- Mr. Capobres announced that the redevelopment commission will hold a special meeting at 6:00 p.m. on Thursday, April 29th, at the Bayview Opera House to discuss authorization of the conveyance agreement.

There were no further announcements. The meeting was adjourned at 9:20 p.m.

Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening, 27 May 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.

ATTACHMENT A

22 APRIL 2004 - RAB MEETING
LIST OF ATTENDEES

Name	Association
1. Christine M. Niccoli	Niccoli Reporting, court reporter
2. Marsha Pendergrass	Pendergrass & Associates
3. Keith Forman	**Navy, RAB Co-chair**
4. Pat Brooks	Navy, Lead Remedial Project Manager
5. Ryan Ahlersmeyer	Navy, Remedial Project Manager
6. Glenn Christensen	Navy
7. Mark Gelsinger	Navy
8. Matthew Lenz	Navy, ROICC Office
9. Ralph Pierce	Navy
10. Lee Saunders	Navy, Public Affairs Office (PAO)
11. Peter Stroganoff	Navy, ROICC Office
12. Lynne Brown	**RAB Community Co-chair**, Communities for a Better Environment, CFC
13. Lani Asher	RAB member, Communities for a Better Environment, CFC
14. Barbara Bushnell	RAB member, ROSES, Silverview Terrace Homeowners Association
15. Maurice Campbell	RAB member, BDI, CFC, New California Media
16. Charles Dacus	RAB member, R.O.S.E.S.
17. Chris Hanif	RAB member, Young Community Developers
18. Mitsuyo Hasegawa	RAB member, JRM Associates
19. Lea Loizos	RAB member, ARC Ecology
20. Kevyn Lutton	RAB member, resident
21. J.R. Manual	RAB member, JRM Associates
22. Jesse Mason	RAB member, CFC
23. Georgia Oliva	RAB member, CBE, CCA member
24. Karen Pierce	RAB member, BVHP Democratic Club, HEAP
25. Melita Rines	RAB member, India Basin Neighborhood Association
26. Sam Ripley	RAB member, Samoan American Media Services
27. Ahimsa Sumchai	RAB member, BVHP Health and Environmental Resource Center
28. Keith Tisdell	RAB member, resident
29. Raymond Tompkins	RAB member, BVHP Coalition on the Environment
30. Tom Lanphar	RAB member, Dept Toxic Substances Control
31. Jackie Lane	RAB member, US EPA
32. James Ponton	RAB member, SF Regional Water Quality Control Board
33. Michael Work	RAB member, US EPA
34. Arvind Acharya	Innovative Technical Solutions, Inc
35. Doug Bielskis	ERRG
36. Erica Bolden	YCD
37. Maurice Brown	YCD
38. Patricia Brown	Shipyard artist
39. Don Capobres	San Francisco Redevelopment Agency
40. Debra Carroll	The Point
41. Marian Chapman	
42. Francisco Da Costa	Environmental Justice Advocacy
43. Sharlissa Evans	YCD
44. Benjamin Feick	Waste Solutions Group
45. Marie J. Franklin	Shoreview Environmental Justice Movement, Inc.
46. Andre Freeman	YCD
47. Rene Gonzalvez	Alpha & Omega Evangelistic Ministries

48. Neil Hart	Tetra Tech EM Inc
49. Trina Hill	YCD
50. Carolyn Hunter	Tetra Tech EM Inc
51. Espanola Jackson	Muwekma Ohlone
52. Ken Johnson	Channel 29
53. Marques Jones	YCD
54. Ronald Keichline	Innovative Technical Solutions, Inc
55. Sebrina LaFelur	
56. Andy Lakalaka	Samoan Media Services
57. Morgan Malfatti	YCD
58. Quijuan Maloof	Pendergrass & Associates
59. Debra Moore	Innovative Technical Solutions, Inc
60. Sherlina Nageer	Literacy for Environmental Justice
61. Dennis Robinson	Shaw Environmental & Infrastructure, Inc
62. Paul Rodriguez	YCD
63. Bernadette Scarborough	YCD
64. Matthew L. Shaps, Esq.	Paul Hastings LLP for Lennar
65. Clifton J. Smith	CJ Smith and Assonates, Eagle Environmental Construction
66. Cynthia Stokes	Resident
67. Wayata Turner	YCD
68. Julia Vetromile	Tetra Tech EM Inc
69. Elaine Warren, Esq.	San Francisco Office of City Attorney (guest speaker)
70. Peter Wilsey	SF Dept of Public Health

ATTACHMENT B

22 APRIL 2004 - RAB MEETING
ACTION ITEMS

Item No.	Action Item	Due Date	Person/Agency Committing to Action Item	Resolution Status
Carry-Over Items				
1.	Navy to respond to letter from Kevyn Lutton (introduced at the March RAB meeting) objecting to beginning Parcel D removal action activities prior to closing of comment period	Prior to May RAB	Navy	
2.	Navy to provide to Georgia Oliva a list of items/material removed during Dry Dock 4 and Parcel E Shoreline restoration	May RAB	Navy/ Keith Forman	
3.	Navy to notify David Terzian and Navy Caretaker Site Office prior to removal of AMC's cranes at Dry Dock 4	TBD	Navy/ Keith Forman	
New Items				
1.	Lynne Brown to provide Ronald Keichline (ITSI) with language for motion related to RAB subcommittees meeting with outside agencies	ASAP	Lynne Brown	
2.	L. Brown to report on discussions with subcommittee chairs regarding consistency, content, and attendance of subcommittee meetings	May RAB	Lynne Brown	
3.	M. Work to report to the RAB about which studies went into establishing the PRGs for manganese	May RAB	EPA/ Michael Work	
4.	Navy to address the issues of concern raised by Dr. Sumchai in her presentation on Parcel A ROD and Related Documents	May RAB	Navy	
5.	L. Brown to forward questions from the community, if any, to ITSI in advance of the May 1st special meeting at Milton Meyers Gym	Prior to May 1st	L. Brown	

HUNTERS POINT SHIPYARD

RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT OF MEETING

May 27, 2004

Dago Mary's Restaurant
Hunters Point Shipyard, Building 916
Donahue Street at Hudson Avenue
San Francisco, California

Reported by Christine M. Niccoli, RPR, C.S.R. No. 4569

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PARTICIPANTS

FACILITATOR: MARSHA PENDERGRASS - Pendergrass & Associates

CO-CHAIRS: KEITH FORMAN - United States Navy SWDIV
LYNNE BROWN - Communities for a Better Environment (CBE), Community First Coalition (CFC)

RAB MEMBERS & REGULATORS

AMY BROWNELL - San Francisco Department of Public Health
MAURICE CAMPBELL - Business Development, Inc. (BDI); Citizens Advisory Committee, Community First Coalition (CFC); New California Media; NEW BAYVIEW NEWSPAPER
CHARLES L. DACUS, SR. - Hunters Point resident, Residents of the Southeast Sector (R.O.S.E.S.)
CHRIS HANIF - Young Community Developers (YCD)
MITSUYO HASEGAWA - JRM Associates
JACQUELINE ANN LANE - U.S. Environmental Protection Agency (EPA)
TOM LANPHAR - California Department of Toxic Substances Control (DTSC)
LISA LAULU - All Islanders Gathering As One (A.I.G.A. 1)

RAB MEMBERS & REGULATORS [Cont.]:

LEA LOIZOS - Arc Ecology
KEVYN D. LUTTON - Resident
J. R. MANUEL - JRM Associates, India Basin resident
JESSE MASON - Community First Coalition (CFC)
GEORGIA OLIVA - Communities for a Better Environment (CBE), CCA member
KAREN G. PIERCE - Bayview Advocates, Bayview-Hunters Point Democratic Club, BVHP Health & Environmental Assessment Program, HEAP
MELITA RINES - India Basin Neighborhood Association
SEALI'IMALIETOA SAM RIPLEY - Samoan American Media Services
AHIMSA PORTER SUMCHAI - Bayview-Hunters Point Health & Environmental Resource Center (HERC)
KEITH TISDELL - Hunters Point resident
RAYMOND TOMPKINS - Bayview-Hunters Point Coalition on the Environment
MICHAEL WORK - U.S. Environmental Protection Agency (EPA)
LEHUANANIKEALAKAUILANIALOHILANILEILANI WRIGHT - JRM Associates

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AUDIENCE

SAUL BLOOM - Arc Ecology
PAUL BOUCHARD - Industrial Metals Corporation
MICHAEL E. BOYD - CARE/EMU
ANDREW L. BOZEMAN - Southeast Sector Community Development Corporation
PATRICK BROOKS - United States Navy
PATRICIA BROWN - Shipyard artist
DEBORAH CARROLL - The Point
FRANCISCO DA COSTA - Environmental Justice Advocacy
PEG DIVINE - San Francisco Department of Public Works
STEVE EDDE - Innovative Technical Solutions, Inc. (I.T.S.I.)
PAUL EGREEGAS: Young Community Developers
BENJAMIN FEICK - Waste Solutions Group (WSG)
MARIE J. FRANKLIN - Shoreview Environmental Justice Movement Inc.
WILLIAM HANEY - New World Technology
CAROLYN HUNTER - Tetra Tech EM Inc.
MARQUES J. JONES - Young Community Developers (YCD)
RONALD WM. KEICHLINE - Innovative Technical Solutions, Inc. (I.T.S.I.)
HENRY LAUF
///

AUDIENCE [Cont.]:

LAURA L. LOWMAN - United States Navy Radiological Affairs Support Office (RASO)
AARON MISAS - Local
DEBRA MOORE - Innovative Technical Solutions, Inc. (I.T.S.I.)
JAMES MORRISON - Environmental Technology
SHERLINA NAGEER - Literacy for Environmental Justice (LEJ)
RALPH PEARCE - United States Navy
MARK PODHURECKI - Local
DENNIS M. ROBINSON - Shaw Environmental & Infrastructure, Inc.
DEBORAH BERMAN SANTANA - Mills College Ethnic Studies Department
LEE H. SAUNDERS - United States Navy
MATTHEW L. SHAPS, ESQ. - Paul Hastings LLP for Lennar
MATTHEW SLACK - United States Navy Radiological Affairs Support Office (RASO)
PETER STROGANOFF - United States Navy ROICC Office
JULIA VETROMILE - Tetra Tech EM Inc.
PETER WILSEY - San Francisco Department of Public Health

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SAN FRANCISCO, CALIFORNIA, THURSDAY, MAY 27, 2004

6:01 P.M.

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MS. PENDERGRASS: Okay. Welcome, everybody, to the Hunters Point Shipyard Restoration Advisory Board meeting for Thursday, the 27th of May, 2004.

As we usually begin our meeting, we're going to start with introductions. So what we'll do is we'll start with the RAB board members that are around the table. Please speak loudly and clearly because everything that transpires here tonight will be recorded. We do have a court reporter here.

In addition to that, if you have a cell phone or pager -- oh, that reminds me to do it myself -- please turn that puppy off right now.

MR. TISDELL: Follow by example?

MS. PENDERGRASS: Okay. All right. And tonight we're going to try to stay on track tonight as much as we possibly can. For the last couple of RAB meetings, we've gone over by as much as an hour, and we -- we -- you know, we all have lives, and this is a Thursday before a nice long weekend. So let's -- let's move on.

So let's just try to pay particular attention to if someone else has already asked the question and it

has been answered, let's move on.

Everybody, one -- each RAB member, can we just have two questions per rounds of conversations so that we don't have multiple questions answered and all of that? Two questions, and that includes clarifying questions. I'm going to hold us to that tonight.

MR. MASON: Nobody agreed.

MS. PENDERGRASS: I don't care. I'm the facilitator tonight. So I'm heavy-handed tonight.

MR. BROOKS: That's one of your questions, Jesse.

MS. PENDERGRASS: Okay. So let's start with introductions, and we'll start with you, Mr. Mason.

MR. MASON: Jesse Mason, resident.

MS. PENDERGRASS: Thank you, sir.

MS. BROWNELL: Amy Brownell, San Francisco Health Department.

MS. PENDERGRASS: Thank you.

MS. OLIVA: Georgia Oliva, Shipyard artist.

MS. PENDERGRASS: Thank you.

MS. LOIZOS: Lea Loizos, Arc Ecology.

MR. CAMPBELL: Maurice Campbell, Community First Coalition.

MR. KEICHLINE: Ronald Keichline, I.T.S.I., community relations.

MS. PENDERGRASS: Mr. Tisdell?

MR. TISDELL: Keith Tisdell, RAB, resident.

MS. PENDERGRASS: Thank you.

DR. SUMCHAI: Dr. Ahimsa Sumchai, RAB and chair of the Radiological Subcommittee.

MS. PENDERGRASS: Yes, sir.

MR. MORRISON: James Morrison for Barbara Bushnell.

MS. PENDERGRASS: James Marsin --

MR. MORRISON: Morrison, R.O.S.E.S.

MS. PENDERGRASS: -- for Barbara Bushnell, all right.

MR. DACUS: Charles L. Dacus, Sr., ROSES and member of RAB.

MS. PENDERGRASS: Thank you, sir.

MR. LANPHAR: Thomas Lanphar, Department of Toxic Substances Control, State of California.

MS. PENDERGRASS: Thank you, sir.

MR. HANIF: Chris Hanif, Young Community Developers.

MS. PENDERGRASS: Chris.

MR. WORK: Michael Work, U.S. EPA

MS. WRIGHT: Lehuananikealakauilanialohilanileilani Wright, RAB.

MS. PENDERGRASS: All rightie, then.

MS. WRIGHT: And I dare you to repeat that.
MR. BROWN: Lynne Brown, co-chair for the community.
MR. BROOKS: Pat Brooks, lead Remedial Project Manager, Navy.
MR. FORMAN: Keith Forman, Navy BRAC Environmental Coordinator and the Navy co-chair.
MS. PENDERGRASS: All right. And I'm Marsha Pendergrass.
We're going to start with the audience here. Please identify yourself if you can and pass the microphone.
MR. ROBINSON: Dennis Robinson, Shaw Environmental.
MR. DA COSTA: Francisco Da Costa, Environmental Justice Advocacy.
MS. LANE: Jackie Lane, community involvement, EPA.
MS. BROWN: Patricia Brown, Shipyard artist.
MR. BLOOM: Saul Bloom, Arc Ecology.
MS. DIVINE: Peg Divine, San Francisco Department of Public Works.
MR. BOZEMAN: Andrew Bozeman, Southeast Sector Community Development Corporation.
MS. MOORE: Debra Moore, I.T.S.I. community

relations.
MS. SANTANA: Deborah Santana, Mills College.
MR. STROGANOFF: Peter Stroganoff with the Navy ROICC office.
MS. NAGEER: Sherlina Nageer, Literacy for Environmental Justice.
MS. PENDERGRASS: Sherlina, what was your last name? Miss? Say -- Can you say your name again?
MS. NAGEER: Sherlina Nageer.
MS. PENDERGRASS: Sher- -- okay.
Did you get that?
THE REPORTER: (Nods.)
MR. EDDE: Steve Edde, I.T.S.I.
MS. LOWMAN: Laurie Lowman, the Navy's Radiological Affairs Support Office.
MR. HANEY: Bill Haney, New World Environmental.
MR. SLACK: Matthew Slack, Radiological Affairs Support Office with the Navy.
MR. PEARCE: Ralph Pearce, Navy RPM.
MR. BOYD: Mike Boyd, CARE and EMU.
MS. PENDERGRASS: Did you get that?
Can you repeat that, sir? Thank you.
MR. BOYD: Mike Boyd, CARE --
MS. PENDERGRASS: Mike Boyd.

MR. BOYD: -- and EMU.
MR. EGREEGAS: Paul Egreegas [phonetic], Young Community Developers.
MR. JONES: Marques Jones, Young Community Developers.
MS. PENDERGRASS: Mark Jones, okay.
MR. JONES: Marques.
MS. PENDERGRASS: Marques Jones. Thank you.
MR. BOUCHARD: Paul Bouchard, Industrial Metals Corporation.
MS. PENDERGRASS: Thank you very much.
Carolyn? Okay.
MR. HUNTER: Carolyn Hunter, Tetra Tech community relations.
MS. PENDERGRASS: Okay, and we've got a couple of new RAB members that just sat down.
Yes, sir?
MR. RIPLEY: Seali'imalietoa Sam Ripley.
MR. BROWN: Melita.
MS. PENDERGRASS: Melita?
MS. RINES: Melita Rines, India Basin Neighborhood Association.
MS. PENDERGRASS: Very good. All right.
Has everybody had a chance to look over the minutes? We just need to take a moment and give

Mr. Keichline his props because he's got this down to a science. We get our RAB minutes every month right on schedule. Is that correct? Nice downloadable files.
(Applause.)
MS. PENDERGRASS: This is a moot point so we just want to make sure we -- we go -- acknowledge that. Okay.
Anybody interested in --?
Yes, ma'am.
MS. RINES: I have a change in the mi- -- minutes.
MS. PENDERGRASS: Please.
MS. RINES: Keith Tis- -- sorry -- Forman made a statement that the fire started in the artist studio behind Cafe Lola's. It is next to Cafe Lola's.
MS. PENDERGRASS: Can you tell us where that's at?
MS. RINES: Oh.
MS. PENDERGRASS: What line?
MS. RINES: Okay. Just a second.
MR. FORMAN: Melita, in this case is "next to" and "behind" different?
MS. RINES: Yes, because there is nothing behind Cafe Lola's.
MS. PENDERGRASS: So wouldn't that be next to,

then?
MR. FORMAN: I was just there.
MS. RINES: Okay. It is on page 2, line 17.
MS. PENDERGRASS: Page 2, line 17.
MS. RINES: "Located in back of."
MS. PENDERGRASS: Okay. So we want to say located --
MS. RINES: It's next to.
MR. KEICHLINE: Okay. I'll make that change.
MS. PENDERGRASS: Okay. We'll make that change.
MS. RINES: As in -- I mean because people -- there is not --
MS. PENDERGRASS: Got it.
Anybody else? Any other changes?
So do I hear a motion to approve the minutes as amended?
MR. TISDELL: I make a notion to approve the minutes as amended.
MS. PENDERGRASS: Thank you, sir.
Do I have a second to that?
MS. RINES: Second.
MS. PENDERGRASS: All rightie, then. So I'll call the question. All in favor of accepting the minutes as amended, please signify by saying "Aye."

THE BOARD: Aye.
MS. PENDERGRASS: Those opposed? Any abstentions?
MR. DACUS: I'm abstaining. I'm abstaining because I never did get a chance to read the minutes.
MS. PENDERGRASS: All right, sir. One abstention. Very fine. The motion carries. Those minutes are adopted.
All right. Let's make sure that we go through the action items. Got a nice little list going on here. So let's just make sure we get it right.
I'm going to read the action item. We're going to talk about it, how and where it was supposed to have been discharged. If not, if there's discussion about it, then it needs to be put at the end of the agenda.
Navy to respond to letter from Miss Lutton introduced at the March RAB meeting, objecting to beginning Parcel D removal action activities prior to closing of comment period.
Mr. Forman?
MR. FORMAN: Yes, I have my response letter to Miss Kevyn Lutton, and we delivered it to her tonight.
MS. PENDERGRASS: All right. Very fine.
Miss Lutton here?
MR. FORMAN: Not yet.

MS. PENDERGRASS: Okay.
We're going to take that matter up at -- off the action item list; and if Miss Lutton has anything to say about that, we'll add something else on in a different way.
Number 2: Navy to provide to Georgia Oliva a list of items or materials removed during Dry Dock 4 at Parcel E shoreline restoration.
Mr. Forman?
MR. BROOKS: I'll take that one.
MS. PENDERGRASS: Mr. Brooks.
MR. BROWN: We have copied a sheet of paper which summarizes the materials removed from those actions, and it should be up there on the table.
MS. OLIVA: It is on the table?
MS. PENDERGRASS: Ms. Oliva, are you feeling that that's been satisfied?
MS. OLIVA: Well, I didn't see it on the table, but I'll run over.
MS. PENDERGRASS: Thank you very much.
MR. BROOKS: Care -- Carolyn, do we have the list of the items removed from the Shipyard Parcel E shoreline?
MS. HUNTER: Yes. Right here.
MS. PENDERGRASS: Number 3: Navy to notify --

MR. BROOKS: Georgia, in back of you.
MS. PENDERGRASS: -- Mr. Terzian and Navy Caretaker Site Office prior to removal of AMC's cranes at Dock -- Dry Dock 4.
MR. FORMAN: Right. And I'm still on the hook to do that. They have not been removed yet. They are scheduled for removal.
MS. PENDERGRASS: All right.
Who brought that action item on the agenda? Do you remember? I don't.
MR. KEICHLINE: That was a few months ago, and it was just a continual carryover till it happens.
MS. PENDERGRASS: All right. So we'll leave No. 3 on.
MR. FORMAN: Sure.
MS. PENDERGRASS: Okay. I'm uncomfortable with it to be determined on action items. Can we put a date on it?
MR. FORMAN: We don't know when AMC -- I have no idea when AMC is going to do that.
MS. PENDERGRASS: Nothing we can do but carry it over?
MR. FORMAN: For now. I can try and find out, unless --
Mr. Stroganoff? Have you heard anything from

AMC on the cranes near Dry Dock 4, when they might be coming in?

MR. STROGANOFF: It just gets delayed. It's getting delayed.

MR. FORMAN: Keeps getting -- So we don't --?

Do you even have an approximate date?

MR. STROGANOFF: No.

MS. PENDERGRASS: H'm. All right. We -- you know, it defeats the purpose to have, you know, action items on in perpetuity.

So anyway, we'll leave it on another month, and then we need to have some kind of definitive plan in how to move that action item forward.

Yes, ma'am.

MS. OLIVA: May I ask Mr. Brooks a question about this?

MS. PENDERGRASS: No, not at this time. It's -- Actually, it's been fulfilled as far as the action item; but after you've read it, you can bring it forth in the agenda.

The new items is, No. 1: Lynne Brown to provide Mr. Keichline with language for motion related to RAB subcommittee meetings with outside agencies.

MR. BROWN: Okay. One and two we could take care of at the Membership and Bylaws.

MS. PENDERGRASS: All right. Very fine. We will move those off the agenda; and if it's necessary, we'll put them back on as an action item if they are not completed.

No. 3: Mr. Work to report to the RAB about which studies went into establishing the PRGs for manganese.

MR. WORK: Yes. I believe the plan is for me to bring an EPA toxicologist to a meeting of the Health Subcommittee.

MS. PENDERGRASS: All right.

MR. WORK: And as soon as -- hopefully, we'll have a date for that meeting to come out of this meeting.

MS. PENDERGRASS: All right. So do -- should we leave this on until you've confirmed a date?

MR. WORK: That's fine.

MS. PENDERGRASS: Okay. And can we amend that action item to include a report to the subcommittee and that the date to be determined? All right.

MR. WORK: Yep.

MS. PENDERGRASS: And then No. 4, then: "Navy to address the issues of concern raised by Dr. Sumchai in her presentation on Parcel A ROD and related documents."

MR. FORMAN: We had a meeting May 1st, Saturday. The regulators and the Navy got together, yes.

THE REPORTER: I can't hear you. I'm sorry. I can't hear you.

MR. FORMAN: Oh, I'm sorry.

Yes. That was fulfilled on the May 1st meeting when the BRAC cleanup team regulators and Mr. Brooks met with Dr. Sumchai and others in the community.

MS. PENDERGRASS: Dr. Sumchai, was that satisfactory to you so we can remove that from the action item?

MS. SUMCHAI: Well, there's some -- some outstanding issues. I mean, I have not been satisfied that the concerns that I have raised were adequately addressed.

But I do appreciate the efforts that were made to explain your position on that.

MS. PENDERGRASS: All right. So it -- that action item has been satisfied in terms of addressing the issues concerned, but not necessarily to your satisfaction?

MS. SUMCHAI: Issues haven't been resolved.

MS. PENDERGRASS: Very fine. So that one will be removed.

Number 5: Mr. Brown to forward questions from the community, if any, to I.T.S.I. in advance of May 1st special meeting at Milton Meyers Gym.

Moot point?

MR. BROWN: That already happened.

MS. PENDERGRASS: Okay. Very fine. That's removed.

Moving right along. Anything else that I overlooked on that?

Okay. At this point, Mr. Forman, do you have any announcements from the Navy's perspective?

MR. FORMAN: Yes, just a couple of quick announcements.

First of all, I'd like to call your attention to a June 2nd meeting that's going to occur, the Tech Subcommittee on time-critical removal actions. Lea Loizos is going to host that meeting.

And I request that each of the RAB members and any community members that are interested you bring that to meeting; I think it will be important, and it will be a continuation of the dialogue begun in -- for the points that Kevyn Lutton raised that I have responded to. And I hope to have a -- a helpful dialogue at the June 2nd meeting.

One more item on a similar strain is that for

subcommittee meetings, what I've been noticing lately is that there's a declining participation from RAB members, and my heart goes out to subcommittee -- to the c- -- subcommittee chairs, like Dr. Sumchai, who come and set up a meeting, and then at the latest, as in the latest Radiological Subcommittee meeting, unfortunately no other RAB members, other than Dr. Sumchai, showed.

And what I'd like to do is start a dialogue with everyone, not necessarily tonight, unless you feel comfortable with it during the break, but during the month to start a dialogue on things we can do to increase participation at subcommittee meetings. I think it's really important, and I think a lot of the detailed work and communication can be done there, and I'd like to promote that and receive input from people on how to improve it on what I can do to help.

MS. PENDERGRASS: Okay. Very fine.

Mr. Brown?

MR. BROWN: I don't have anything.

MS. PENDERGRASS: All rightie.

MR. KEICHLINE: Marsha?

MS. PENDERGRASS: Yes.

MR. KEICHLINE: Is there a time or location for that June 2nd meeting?

MS. PENDERGRASS: Well, we'll probably get to

that when she makes her report.

MR. FORMAN: Yes.

MR. KEICHLINE: Okay.

MS. PENDERGRASS: And at this point, a nice segue, Mr. Keichline, we'll have subcommittee reports right at this moment.

Shall we start with the Tech Subcommittee this month?

MS. LOIZOS: Sure.

Hi. Okay. The minutes from -- or the summary from both the April and May meetings are on the table.

And the May meeting we -- those who did show went over the draft interim landfill gas monitoring and control plan, which is basically as planned. The Navy's come up with to do the monthly monitoring of the landfill gas control system from now until a final remedy is in place for the landfill.

And so through our review, we came up with a few comments to forward to the Navy, a few recommendations.

One was that -- sorry. I'm trying to summarize without reading the whole thing.

There's talk about taking samples of total volatile organic compounds if a certain level has exceeded 500 parts per million by volume at the fence

line U.C.S.F. and Crisp Avenue gas-monitoring probes.

And there were some -- we were unclear about the type of samples that will be taken, how they will be analyzed and what type of modeling will be done to estimate potential health threats from these VOCs. So we're asking that more detail be provided on that sampling.

There -- there was some confusion about some of the flow charts for the monitoring at Building 8 -- in the Building 830 crawlspace at the surface areas and any on-site utilities.

It basically says that the trigger for action is 1 percent, if methane is detected above 1 percent by volume.

And if that does happen, then the area will be ventilated and monitored again the next day at which point, according to the flow charts, if methane is above 1.25 percent by volume, they will notify the necessary people, and they will return to monthly monitoring, which just didn't seem to make sense 'cause if you're initially triggered by 1 percent by -- you know, by a 1 percent by volume methane level and then the next day you find that your level's increased, you decide that you can then go to monthly monitoring. That didn't really make sense.

It seems our recommendation was that you should continue more frequent monitoring in that situation.

Then -- oh. Well, for all of the monitoring stations, if levels above the action levels are detected, the Navy has to notify the Integrated Waste Management Board and the base cleanup team within five days of beginning a required action.

And we're wondering when the community will be informed. We were thinking that maybe if we could have, like, a monthly action item where the Navy gives an update of anything that's happened, you know, if there was any action needed at the landfill gas control system.

And finally, we also reviewed the comments of the EPA -- U.S. EPA. And we -- they had expressed some concerns about the action levels that were chosen for nonmethane organic compounds, which is basically VOCs, other landfill gases and then the methane levels they chose, the action levels, at off-site locations.

So we're asking if the Navy ensure that the action levels that they choose are truly protective of human health.

So I guess we would like to forward those -- I'd like to forward that or the subcommittee would like to forward that to the full RAB as our recommendations

to the Navy.
MS. PENDERGRASS: So your motion is, Miss Loizos . . . ?
MS. LOIZOS: My motion is to forward the recommendations of my subcommi- -- of our subcommittee to the Navy.
MS. PENDERGRASS: On behalf of the full RAB?
MS. LOIZOS: On behalf of the full RAB.
MS. PENDERGRASS: That's the motion. Is there a second?
MS. RINES: I second the motion.
MS. PENDERGRASS: All right. Okay.
All in favor of the motion to forward on the recommendations from the Tech Subcommittee report to the Navy from the full RAB in favor, say "Aye."
THE BOARD: Aye.
MS. PENDERGRASS: Anybody opposed to that?
I didn't open the floor for discussion. I forgot that. But any abstentions?
Sounds like the ayes have that. So that motion does pass. So you will forward those on to the Navy for follow-up?
MS. LOIZOS: (Nods.)
MS. PENDERGRASS: Let's see. Part -- There were three or four recommendations on that. You might

want to make sure that there's some follow-up on that. If you want to add any of those to the list of action items to be followed up on, you would need to reframe that.
MS. LOIZOS: Okay. Well, if --
MS. PENDERGRASS: I just want to make sure that doesn't get lost.
MS. LOIZOS: Yeah. If it can be considered sort of like written comments from the subcommittee that can be responded to as all other comments are, that would work.
MS. PENDERGRASS: All right. Very fine.
MS. LOIZOS: And that meeting that Keith spoke of on the 2nd is at the Community Window on the Shipyard, which is 4634 Third Street between McKinnon and Newcomb, and it begins at 6 o'clock.
MS. PENDERGRASS: All right. Very good.
Let's see. Economic Development. We'll do that one next.
MR. CAMPBELL: This report will be fairly brief.
We had the Economic Subcommittee meeting. We went over certain -- certain points, and one of the things that we found is that to accomplish some of the goals of what's taken place in the cleanup effort, we

needed to get some of the truckers trained in HAZWOPER training.
The Navy at first thought they weren't a- -- weren't going to be able to get that; and if you have the written report, you will see that 33 truckers have signed up, and this will be taking place in the month of June to get the truckers certified to haul hazardous waste.
I'd like to say thank you to the Navy and Neil Hart for -- and Mark Gelsinger for a lot of their work, and the -- the reflections of it's going to be a better trained community at this particular point.
So we're moving down the path of where things are. We seem to be on course on the new release scopes of work. We'll be bringing up quarterly report probably at the next RAB meeting or somewhere thereabouts.
That's where we are. Thank you.
MS. PENDERGRASS: Your next meeting?
MR. CAMPBELL: If you look at that sheet, it's says, "June 2nd."
MS. PENDERGRASS: June 2nd, and where?
MR. CAMPBELL: Anna Walden [sic] Library.
MS. PENDERGRASS: "Anna Walden Library."
MR. CAMPBELL: Yeah. It's on -- on the Economic Committee report, first page.

MS. PENDERGRASS: Okay. We just want to make sure we get it up for everyone to see.
MR. CAMPBELL: Sure.
MS. PENDERGRASS: Okay. Very good.
All right. Let's see. Who wants to be next?
MS. MOORE: Is it at 2:30?
MR. CAMPBELL: Yes, it is.
MS. PENDERGRASS: Let's see. Dr. Sumchai?
DR. SUMCHAI: The Radiological Subcommittee met yesterday from 3 to 5 p.m.
And I share Mr. Forman's concerns. We did have five representatives from the Navy. I wanted to thank the four community reps who attended, Mary Bull, Richie Ellison, and Francisco Da Costa and Andrew Bozeman. And. I want to thank Mr. Radcliff as being a host and myself. So we got a feel for a committee meeting is acceptable. It would be great if we could have more RAB attendees, and I will consider an evening meeting in June to help facilitate who's in attendance.
And we anticipate inviting Mr. Gerald Vincent of the Army Corps of Engineers to talk about the FUDS sites, specifically community-located FUDS sites or who would want to optimize attendance.
We did address some very important and meaty issues. We began by acknowledging Mrs. Lowman and the

passage of her husband Richard Lowman who was the director of radiation safety and environmental programs for the Radiological Affairs Support Office.

And all of us, you know, came to -- to know Mr. Lowman, and -- and he was very, very dear, someone who served to deescalate tensions and anxiety around very emotionally charged issues at the Shipyard. Some of the radiological issues without question had proved to be most -- you know, most anxiety provoking.

So one of the things that we did in the meeting by consensus was accept a recommendation to bring to the full RAB a motion to change the subcommittee name to the Lowman Radiological Subcommittee of the Hunters Point Shipyard RAB, and I would like to make a motion.

MS. RINES: I second that motion.

MS. PENDERGRASS: We have a second on that.

MR. BROWN: I'm in favor of it.

MS. PENDERGRASS: All right. So we have a motion on the floor. Any discussion?

All right. All in favor of naming the --

Say it again, Dr. Sumchai. Sorry.

DR. SUMCHAI: The Lowman Radiological Subcommittee of the Hunters Point Shipyard RAB.

MS. PENDERGRASS: All right.

MR. BROWN: Richard Lowman.

MS. PENDERGRASS: All in --

MS. ATTENDEE: Richard Lowman.

MS. PENDERGRASS: All in favor, say "Aye."

THE BOARD: Aye.

MS. PENDERGRASS: Anybody opposed? Any abstentions to that?

The ayes have it.

DR. SUMCHAI: Okay. Thank you very much.

We also discussed the status of several outstanding buildings, Building 322, 813 and 19, Mariner's Village FUDS sites and the Islais Creek warehouse.

And I wanted to let you know -- and I'm sure that Miss Lowman is going to be talking about it, but the status of Building 322.

Building 322 was initially a building on Parcel D; and in investigating the HRA, it was found that there were two building 322s. One was on Parcel A, and it turns out that that building was actually physically moved to Parcel A and that cesium-137 was found in the footprint of the Parcel D building, and that prompted the investigation of the Parcel A building.

It has been demolished -- that's my understanding -- and that the foundation remains to be

investigated. And currently there hasn't been anything discovered yet to indicate that it is radiologically contaminated.

One of the other issues that we discussed was the final Environmental Impact Report for Phase I development at Hunters Point Shipyard. This is a document that was issued by the Planning Department in November 19th of 2003. It was accepted as a negative declaration at the redevelopment hearing to accept the conveyance agreement as well as at the hearing to accept the DDI for the Hunters Point Shipyard.

And I was aghast to discover that this document includes no information whatsoever with regard to radiological operations on the base, specifically on Parcel A and Parcel B. And it is a document that proposes activities on Parcel A and Parcel B without input with regard to radiological operations, for example, on Parcel B at IR-07 and IR-018 where the Navy studies in 1992 documented elevated gamma readings one and a half times above background. Some of the community development projects that have been proposed include health services.

So clearly, this is a document that needs to be broadened to incorporate the current scope of understanding that we have about radiological

operations.

The other issue of concern was that this document describes the separated storm and sanitary sewer systems at the Shipyard and states that developments of Parcels A and B would include construction of new separated storm drains, sanitary sewer systems in Parcel E on the hilltop area. But if they would -- The new storm drains would connect to existing storm drains in Galvez Avenue and Donohue Street.

So there are some issues here that the Navy concurs with that need to be resolved with regard to the -- you know, the construction of new storm drain systems and their connection with existing storm drain systems.

So the second thing that I would like you to consider is a motion from the Mab -- RAB to the -- made to the San Francisco Redevelopment Agency, specifically to Mr. Don Capobres, asking them to generate an addendum to the addendum of the final Environmental Impact Report on Phase I development at Hunters Point Shipyard to incorporate radiological operations on those two parcels.

MS. PENDERGRASS: Okay. So that's a -- that's a -- you're putting that motion out --

DR. SUMCHAI: Yes.
MS. PENDERGRASS: -- on the floor? Okay.
MR. BROWN: Can I say something?
MS. PENDERGRASS: The floor --
DR. SUMCHAI: I'm sure there will be discussion.
MS. PENDERGRASS: There's a motion on the floor. So we need a second so we can have discussion. So --
MR. RIPLEY: Second.
MS. PENDERGRASS: Okay. Is there discussion? Do you have something?
MR. BROWN: Yes. What we need to have is a final base characterization of the whole base, not just Parcel A, everything that's in here, from fence line to fence line.
MS. PENDERGRASS: Okay. So is that -- is that part of what you're intending your motion --
DR. SUMCHAI: I would accept that as a friendly amendment --
MR. BROWN: Right.
DR. SUMCHAI: -- you know, to the motion. But certainly, to the extent that this is a document that is required under the conveyance agreement and required under the DDI, this document specifically needs to be

addressed. So . . .
MR. BROWN: But CEQA says you -- they have to have a final base characterization. And this EIR is all messed up. They don't even have anything about the -- the history of out there in the Shipyard, no -- no radiolog- -- like, it's not even toxic, you know, so like it's all free and nobody's going to get sick out there.
DR. SUMCHAI: Well, perhaps we'd need two motions.
MS. PENDERGRASS: So do we want to rescind the friendly mo- -- the amendment and keep the motion as it stands and perhaps have a follow-up motion?
All right. Is there any other discussion that's germane to this particular motion?
Yes, Lea.
MS. LOIZOS: You're asking for another addendum to the EIR that was done in 2003?
MR. BROWN: Right.
DR. SUMCHAI: Yes, and that would specifically address --
MS. LOIZOS: Right.
DR. SUMCHAI: -- the radiological operation of the base.
MS. LOIZOS: My only question is I think -- and

I don't -- I don't know CEQA and NEPA that well, but I think there's -- have to be specific things that trigger an addendum. I don't -- I mean, I'm not certain, but I don't know if anybody here knows what, like -- sort of what specific things have to trigger an addendum or -- or an additional EIR to be conducted.
MS. PENDERGRASS: Is your m- -- is your motion to look into what you have to do to make that, or is your motion that you will prepare -- that the subcommittee will prepare this for submission to the Navy? I'm not quite sure what exactly the steps are in that motion.
DR. SUMCHAI: Whenever there are changes in a -- you know, in -- in a project with regard to land use and when there are changes in the environment that impact designated land use assignments, then, you know, the EPR -- I -- EIR can be upgraded. That was the reason why the November addendum, you know, was generated.
So in view of the fact if you have looked at Hunters Point Shipyard Phase I development, the proposed siting of community development sites at IR-0 -- I -- IR-07, IR-18, including artist studios, health clinics in regions again that are radiation impacted and have gamma readings above background, I

mean, I -- I just don't think that there is an argument here because --
MS. PENDERGRASS: Okay. Dr. Sumchai, why don't -- why don't we take this time to clarify the motion one more time? Repeat the -- repeat the motion before we vote on it, please.
DR. SUMCHAI: The RAB is recommending to the San Francisco Redevelopment Agency, specifically Mr. Don Capobres, the project sponsor that an addendum to the addendum of the final Environmental Impact Report on Hunters Point Shipyard Phase I development be issued that incorporates current radiological operations --
MS. PENDERGRASS: Okay.
DR. SUMCHAI: -- in Phase I.
MS. PENDERGRASS: All right. I understand the motion. I think that -- that the discussion has been around the motion.
The only -- There's just a little hole in that in terms of who's going to prepare the letter. Who's going to prepare that to it so it --? I assume that that's part of your motion, that your subcommittee would prepare that on behalf of the RAB?
DR. SUMCHAI: I could certainly prepare it if I had letterhead. I think that if --
MS. PENDERGRASS: So would that process --

would that process provide an opportunity for the full RAB to read that before it's forwarded? I think that that's the piece that's missing.

DR. SUMCHAI: Well, I don't have a girl who does my secretarial work. So we just do a motion, and if the motion goes -- is Mr. Capobres in the house?

MS. PENDERGRASS: He's not.

MR. TISDELL: He's sick.

MS. BROWNELL: He's unfortunately probably sick today. He would have come.

MR. FORMAN: Write a note and pass the message.

MS. BROWNELL: I can pa- -- I can either pass the message or if you want to do it formally through whatever, however you want to do it.

MS. PENDERGRASS: Let them -- I'm just trying to make sure we clear that up before we vote. At that point, then --

MS. BROWNELL: I'm -- I'm happy to pass the motion on.

MS. PENDERGRASS: Okay.

With that clarification, then, all in favor?

THE BOARD: Aye.

MS. PENDERGRASS: Any opposed? Any abstaining?

All right. The ayes carry that. So the amendment will be -- the amendment for the addendum to

the addendum will be prepared, and -- or -- and so we will vote on --

MS. BROWNELL: Request for the addendum.

MS. PENDERGRASS: -- for the request. Exactly.

DR. SUMCHAI: Okay. We -- we had a very full agenda item discussion around the residual sandblast that was found at three sites on Parcel A -- on Parcel A. In addition, there was sandblast found on Parcel B. And I will save, you know, some of my -- my comments and concerns for Laurie Lowman's presentation.

With regard to the storm drain systems, I'm sure that Miss Lowman is also going to address that. I have persistent concerns that the storm drains on -- the sanitary sewer -- sewer system and storm drains on Parcel A are potentially radiologically impacted. RASO's opinion is that there are no pathways from the hillside that could have impacted the drains.

My position is that there -- that there were -- there were no studies done on the hillside. So we don't know. The IR-59 JAI investigation was triggered by sandblast that was discovered at a sanitary sewer line, and that is of concern to me.

Similarly, there were some Quonset huts that were located at IR-59 JAI. I don't know what those huts were used for, and that needs to be clarified. At

present they just appeared at one point. They showed up again.

And they have a very mysterious history. If those huts were used for other than residential purposes for storage, then I think that we need to revisit the prospect storm drain lines. The sewer system may indeed be radiologically impacted. So --

MS. PENDERGRASS: Dr. Sumchai.

DR. SUMCHAI: Yeah.

MS. PENDERGRASS: Dr. Sumchai, did you have a written preparation of your minutes of your meeting or . . . ?

DR. SUMCHAI: No. We met yesterday from 3:00 to 5:00, and again the girl --

MS. PENDERGRASS: Okay.

DR. SUMCHAI: -- was out.

MS. PENDERGRASS: I understand. We just need a little bit more brevity on that. I'm sorry.

DR. SUMCHAI: So I will reserve my -- my final concerns and allow Miss Lowman to -- to give you a presentation.

Again, tentatively we will schedule a meeting in June. I have Thursday, the 17th, or the Wednesday preceding the RAB meeting. I will try to schedule something in the evening to maximize attendance. We'll

invite Mr. Jerry Vincent.

I encourage the RAB members and community members to come out because there is some very real issues rega- -- with regard to radiation-impacted buildings in the community proper. So we want to make sure that we have optimized our attendance for that meeting. Thanks.

MS. PENDERGRASS: Thank you, Dr. Sumchai.

MS. MOORE: What time did you say?

MS. PENDERGRASS: All right. Technical Review, we did that. Radiological, we did that.

Te- -- Risk and Health Review, is Karen doing any --? She's not here.

MR. TOMPKINS: Yes, she is. Pierce?

MS. PENDERGRASS: Yes.

MR. TOMPKINS: She was here --

MS. PENDERGRASS: So you don't have anything today?

MS. PIERCE: (Shakes her head.)

MR. TOMPKINS: No.

MS. PENDERGRASS: Do we have a report from the Risk Review and Health?

MR. TOMPKINS: No.

MS. PENDERGRASS: Okay. Very fine.

Membership and Bylaws is last today.

MS. RINES: Okay. We met on the 12th, Wednesday, okay. Again, I want to reiterate the lack of attendance. Keith Tisdell and I were the only ones there. We got SFPD to show up. We got -- Everything is in the minutes.

But basically, the term sheet is still out. They are still working on the terms of it. So, you know, there's all these other things to deal with.

We did want to -- wanted to bring up the subject. We thought we were going to have a discussion about the bylaws and the issue of calendar year, but nobody showed up.

So I'm basically not going to -- we -- okay. We did -- We have one thing that we do need to bring forward in a motion is that we have two reapplying RAB members.

MS. PENDERGRASS: All right.

MS. RINES: And we need to each bring -- bring each one forward separately to see whether or not the full RAB will put them back on the Board, okay?

MS. PENDERGRASS: All right.

MS. RINES: But before we do that, I have the option to have the next Bylaws meeting next month, the --

MS. ATTENDEE: The 9th?

MS. RINES: -- the 9th of June, 6:30 to 8:00. If people don't think they are going to make it, I need to know now because I had not planned it until July, because it doesn't make sense to keep having meetings where all the, you know, outside people come and you get, you know, two RAB members. So --

MS. PENDERGRASS: So your recommendation is . . . ?

MS. RINES: My recommendation right now is do people think that we want to make the -- could they make the June meeting at the library 6:30 to 8 o'clock to discuss the terms used in the bylaws about the calendar year?

MS. PENDERGRASS: Let's have a show of hands of people who will be at that meeting.

MR. HANIF: What day again?

MS. RINES: Wednesday.

MS. PENDERGRASS: June 9th, evening of June 9th.

MR. TISDELL: Second Wednesday.

MS. PENDERGRASS: We have one person --

MS. RINES: The second Wednesday.

MS. PENDERGRASS: We have one person that will be at that meeting -- two people that will be at that meeting.

MS. RINES: Okay.

MS. PENDERGRASS: So --

MS. RINES: All right. We will have a June meeting, then.

MS. PENDERGRASS: Okay. So June 9th.

MS. RINES: Yes. 6:30 to 8:30.

Okay. Now, the motion we need to bring forward is James Morrison is renewing his application. He was removed based on absences. We want to bring that forward is the full -- to the full RAB for recommendation onto the full Board. I need to make a motion to do we approve his application?

MS. PIERCE: So moved.

MS. PENDERGRASS: Second?

MR. BROWN: Second.

MS. PENDERGRASS: We have got a second on that.

Is there any discussion about that? Does anybody want to know what would be different, why he won't be removed again? Anyway, I'm just asking the question.

MR. MORRISON: I would like to make a statement.

MS. PENDERGRASS: Yes, sir.

MR. MORRISON: I did not like the way this RAB is enforcing laws that aren't written, aren't

documented. The laws aren't written. They aren't documented.

They seem to be followed arbitrarily, and it seems like some kind of a -- it's like a fascist system in that we're going to put you on the RAB, but we're not going to tell you what the laws are. We're not going to tell you what the rules are until we decide that they are broken. And I'd like that addressed.

MS. PENDERGRASS: Is there anybody here that wants to address that?

Mr. Brown?

MR. BROWN: Yes. What -- We said we was only going to change the RAB -- the bylaws once a year. So that will be taken care of during -- what?

MR. TISDELL: August?

MS. PENDERGRASS: I think that the question on the --

MR. BROWN: Right, but that's what I'm --

MS. PENDERGRASS: -- table is --

MR. BROWN: That's what I'm saying. That would be --

MR. MORRISON: That's not the question.

MS. PENDERGRASS: The question is -- is that there are now laws that govern the operation of this RAB.

MR. BROWN: No. No.
MS. PENDERGRASS: And it's my understanding that there are bylaws.
So --
MR. BROWN: Right.
MS. PENDERGRASS: -- Mr. Tisdell, did you want to answer the question?
MR. TISDELL: Yes, I will address it. When he came -- Everybody that has come before the RAB has been -- even before the Membership and Bylaws applying for the RAB have been given a copy of the bylaws.
MR. MORRISON: Yeah . . . ?
MS. PENDERGRASS: All right.
MR. TISDELL: And that's what we -- that's -- that's what we govern ourselves by.
MR. BROWN: Right.
MS. PENDERGRASS: All right.
MR. MORRISON: But that's not --
MR. TISDELL: The change will --
MR. MORRISON: That's not the question.
MS. PENDERGRASS: Your question --
MS. RINES: You stated that you didn't know where -- what was written or what the laws were, that they were arbitrarily --
MR. MORRISON: Yeah.

MS. RINES: -- used.
Okay. The bylaws have stated from the beginning that you can have no more than four absences in a calendar year. The issues that has come up that you so nicely brought to our attention is the definition of a calendar year.
From the beginning, we always made the assumption -- although it was not written, the intent of the bylaws was to keep people to attend. We have 11 meetings a year. We don't want people missing four of them because someone else might be able to make them. We don't have that many, so we want people to show up to make the commitment.
So we determine for everyone for the entire time that we started this was the calendar year was from the month of the RAB meeting 12 months forward. So this month is May. So 12 months forward from this month forward, if you miss four in that period, then you would be removed. We did that with everybody.
MS. PENDERGRASS: Okay. I think that the question has been asked. The question has been answered on that. And again, just that --
MR. MORRISON: It still wasn't written.
MS. PENDERGRASS: The --
MR. MORRISON: And so how do you --? It's not

written.
MS. PENDERGRASS: It's written in -- it's written in the bylaws --
MR. MORRISON: The bylaws --
MS. PENDERGRASS: -- and the interpretation of the bylaws has been consistent.
MR. MORRISON: Well --
MS. PENDERGRASS: If there needs to be clarity to the bylaws, the bylaws state that once a year we can add or subtract and amend the bylaws.
You're welcome to make a recommendation at the Bylaws Committee of what needs to be included in the next bylaws revision at that point.
But I think the question has been asked. The questions have been answered.
At this point, you have a recommendation on the floor still, if I'm not mistaken, to reinstate a RAB member. Barring no new discussion, the motion has been seconded. We'll call the question. All in favor?
RAB MEMBERS: Aye.
MS. PENDERGRASS: Any opposed?
RAB MEMBERS: Aye.
MS. PENDERGRASS: How man- --? Okay. Let's start over, then.
How many are in favor, please? We need a

count.
MR. KEICHLINE: Hands high, please. High.
MS. PENDERGRASS: Miss Pierce, if you'd like to be counted in this, you need to come to the table. So we need -- 1, 2 . . . 2, 3, 4, 5, 6, 7, 8, 9. So we have nine that want this to happen.
And how many opposed, please? One, two, three. Three opposed.
Any abstentions to that? One. Two.
So the ayes carry that, and what's the person's name again? I'm sorry.
MR. MANUEL: James Morrison.
MS. RINES: Morrison.
MS. PENDERGRASS: Oh, good. Okay. So we do have a new RAB member.
(Applause.)
MR. MANUEL: He's not really new.
MR. TOMPKINS: Reinstated.
MS. PENDERGRASS: Reinstated. All right.
MS. RINES: Marie Franklin. Again, we want to bring this forward to the full RAB. Again, it was -- the reason was the rule was based on absences.
MS. PENDERGRASS: Right.
MS. RINES: So the motion is to bring Marie Franklin onto the full RAB board.

MR. DACUS: Second.
MS. PENDERGRASS: All in favor? I'm just going to call the question at this point. We have had discussion on this item already.
MS. FRANKLIN: Not -- not from me you haven't.
MS. PENDERGRASS: You're not a RAB member at this point, and this particular discussion at this point is from RAB members and for the vote from the RAB membership.
Is there other discussion, Dr. Sumchai? I'm sorry. Did you have discussion?
DR. SUMCHAI: No.
MS. PENDERGRASS: Okay. Then all in favor, say "Aye," please, and we'll count that. Raise your hands so we can count that.
RAB MEMBERS: Aye.
MS. PENDERGRASS: One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen.
Okay. Those opposed?
We have one opposed.
Any abstentions?
We have one.
MR. HANIF: I had a question along with that.
MS. PENDERGRASS: The discussion period is closed. I'm sorry.

All right. The ayes carry that, and Miss Harrison is now on that RAB again.
MS. RINES: Franklin.
MS. PENDERGRASS: Franklin -- I'm sorry -- is on the RAB again.
All right. This might be something that needs to be taken off line and discussed more fully at the RAB mee- -- at the subcommittee meetings. But again, the protocol for this is amendments to the bylaws happen once a year.
MR. BROWN: Right.
MS. PENDERGRASS: Recommendations can be taken from any RAB member towards those bylaws, and they are fully discussed and brought forward as recommendations from the Bylaws Committee. So that's the process.
MS. FRANKLIN: I need to say something on my behalf. I need to.
MS. PENDERGRASS: But --
MS. FRANKLIN: I need to say something.
MS. PENDERGRASS: -- Miss Franklin, this is not the time for your discussion. You can at the general discussion at the end of the meeting at this point.
MS. FRANKLIN: You know, I object to that. The thing is --
MS. PENDERGRASS: I'm sorry. You're out of

order.
MS. FRANKLIN: That may be true, and I feel that you are order [sic] because I -- you voted me in to this meeting, and I need to defend -- speak on my own behalf.
MS. PENDERGRASS: You're in. You're on the RAB.
MS. FRANKLIN: But I still need to speak on my behalf.
MS. PENDERGRASS: You can speak on your behalf, but this is not the time on the agenda to do that.
MR. MANUEL: Marie, she's right about that. Why don't you just talk about it later? It's very fair.
MS. PENDERGRASS: At this point, we need to move on to the RAB co-chair nominations.
And again, as we normally do, we take nominations this month. Anybody at the -- on the RAB at this point can offer nominations for RAB community co-chair. You can nominate yourself or someone else.
We'll write your name up on the board. If it's a nomination, you'll have a moment to think about that and accept the nomination.
The next thing you would do is if -- you have a month before we have a vote from the entire RAB on who the co-chair would be, and that would be at our next RAB

meeting.
So at this point, we'll have a few minutes. Anyone have any recommendations?
MR. MANUEL: Can I say something?
MS. PENDERGRASS: Yes, sir.
MR. MANUEL: Being that Lynne normally kicks my butt every time, I'll just go ahead and give --
MR. BROWN: I'm not running.
MR. MANUEL: What?
MR. BROWN: I'm not running.
MR. MANUEL: I'm trying to be nice, and you --
MR. BROWN: No.
MS. PENDERGRASS: Well, we have a nomination of Mr. Brown again. He's welcome to decline, but his name --
MR. MANUEL: Okay.
MR. BROWN: Yeah.
MS. PENDERGRASS: -- has been nominated.
MR. MANUEL: Well, in case he's changed his mind and decides to run, he usually beats me up. So I'll just go and --
MR. BROWN: No. I'm going to decline on that.
MS. PENDERGRASS: So we're going to put Mr. Brown on. He has the right to decline.
Anyone else recommended?

Mr. Mason, do you have a recommendation?
MR. MASON: I would recommend Dr. Sumchai.
MS. PENDERGRASS: Okay. Dr. Sumchai is listed. You'll have a moment after we get the list to acknowledge or decline.
Yes, sir.
MR. BROWN: Campbell.
MS. PENDERGRASS: Maurice Campbell?
MR. BROWN: Just Campbell.
MS. PENDERGRASS: Anyone else?
MR. MANUEL: I gave him my name and he didn't put it up.
MS. PENDERGRASS: Oh. J. R. Manuel? I'm sorry. Okay.
MR. MANUEL: Okay.
MS. PENDERGRASS: Mr. Manuel. All right. Any other nominations?
MS. LOIZOS: Keith Tisdell.
MS. PENDERGRASS: Keith Tisdell.
All right. Anyone else? Anyone else like to nominate themselves or nominate someone else?
MR. MANUEL: Marie Franklin.
MS. FRANKLIN: I decline. I decline. Thank you.
MS. PENDERGRASS: You'll have just a moment.

You'll have a moment to decline.
Yes, sir.
MR. RIPLEY: Mr. Da Costa, Francisco.
MS. PENDERGRASS: He's not a RAB member.
MR. BROWN: He's not a RAB member.
MR. RIPLEY: You're not? Sorry.
MS. PENDERGRASS: So by default, you get nominated. No. I'm just teasing.
Okay. Anyone else?
All right. At this point, let's go -- let's start at the bottom.
Miss Franklin, do you accept or decline the nomination?
MS. FRANKLIN: I decline. Thank you.
MS. PENDERGRASS: Decline.
Mr. Tisdell, do you accept or decline the nomination?
MR. TISDELL: I'll . . .
MR. MANUEL: He's accepting.
MR. TISDELL: I accept.
MS. PENDERGRASS: Accept.
Mr. Manuel, do you accept or decline the nomination?
MR. MANUEL: I nominated myself.
MS. PENDERGRASS: Oh, very fine.

Mr. Campbell, do you accept or decline the nomination?
MR. MANUEL: He's working --
MR. ATTENDEE: No, I'm not.
(Simultaneous colloquy.)
MS. PENDERGRASS: Okay.
Dr. Sumchai, do you accept --?
THE REPORTER: I didn't hear that last exchange. What did you say, then what did he say?
MS. PENDERGRASS: He accepts the nomination.
THE REPORTER: But I have to get what you said first.
MS. PENDERGRASS: "Do you accept or decline the nomination," Mr. Campbell? And he accepted.
Dr. Sumchai, do you accept or decline the nomination?
DR. SUMCHAI: I accept the nomination and I'm very honored.
MS. PENDERGRASS: Mr. Brown, do you accept or decline the nomination?
MR. BROWN: I decline.
MS. PENDERGRASS: The nomination's declined.
All right. We have a slate of four people.
The process, again, I'll just reiterate. You have a month. You can do all your lobbying and whatever

you'd like to do, talk to people, get them -- work the -- the RAB for the rest of the -- the month.
And then next meeting we will vote on this slate of four people. Person with the most votes will be our new community co-chair.
All right.
MR. DA COSTA: Yes.
MS. PENDERGRASS: We are going to take a ten-minute break before we have some presentations. Thank you very much.
(Recess 6:53 p.m. to 7:05 p.m.)
MS. PENDERGRASS: The meeting -- Come back to order, please. Please take your seats. We're back to order here.
(Colloquy off record.)
MS. PENDERGRASS: All right. Tonight we're going to have Miss Lowman give a update on the radiological program.
Okay. And I'm going to reiterate: Ms. Lowman is going to make her presentation. We're going to hold our questions till the end. At that time, each RAB member will get the opportunity to ask no more than two questions that have not already been asked and answered.
And Miss Lowman, if you could keep your responses to their questions real brief. Just answer

their question.
MS. LOWMAN: Okay.
MR. MANUEL: Can I say something for ten seconds, please?
MS. PENDERGRASS: This is not the time.
MR. MANUEL: Well, I wanted to say that -- my condolences and, I hope, everybody else's condolences go out to her and her family. That's all I want to say. Thank you.
MS. PENDERGRASS: Thank you.
MS. LOWMAN: Thank you.
I will need a laser pointer. But Bill is going to help me with the laser pointing when it's time. Thank you. Probably use that map over there [indicating]. I think maybe everybody can see that one when it's map time.
I wanted to take a couple minutes here and will be very brief. But I wanted to thank you for all the cards and prayers and kind thoughts and everything that were sent to us, sent to the family -- we truly appreciate it -- and especially for the artwork that was sent to Dick.
Before he passed on, he was having a very bad time, and the artwork came as a total surprise to him. I didn't let him know anything was coming. He was

extremely pleased, and he did write something that he wanted to have read. So if you will bear with me. I'm going to try to read this without any tears; and if I get some, just kind of bear with me.
He said:
> I worked for RASO for the past 20 years. Fifteen of those years were involved with the radiological issues at Hunters Point. I considered this work with the Hunters Point RAB and the Bayview community members to be a very special part of my professional life.
>
> I also feel that the RAB's dedication to the community service was an instrumental part of Navy's action in addressing the environmental issues at Hunters Point. Thank you for the beautiful artwork and cards you sent. I shall treasure it always.

So --
(Applause.)
MS. LOWMAN: Thank you very much.
Okay. Let's get down here and do some business.
You all know who I am, obviously. So we could go to the next slide.
The draft final HRA, we have gotten some

comments in. As you all know, it was published in February 2004. The comment period was 27 February to 27 April 2004. We have gotten lots of responses, and my -- responses back to the comments, rather.
My responses back to the comments were due 45 days after the comment period closed, which would be 11 June. Due to my personal circumstances, I have requested an extension of at least 30 days to finish those response to comments.
So I wanted to let you know that there might be a delay in getting everything back out, all the comments responded to.
MS. BROWNELL: Yeah.
MS. LOWMAN: Is that better? Okay.
Next slide, please.
Folks who submitted comments: It came from Navy -- various Navy commands, including my own, and NAVSEA headquarters as well as Southwest Div., EPA Region 9, California Regional Water Control Board, the City of San Francisco through Amy Brownell.
Arc Ecology sent multiple letters plus a summary of about 18 pages of written summary of comments from Waste Management Associates, I believe it was. Yeah, took comments for you, and Dr. Sumchai also sent comments in.

Next slide, Julie.
We did receive a letter from the waste mana- -- management section of the California Department of Health, and I realized when I prepared this that the letter actually was sent to DTSC and not to me.
In that letter DHS did state that they found the HRA "adequate for providing a basis for site characterization and planning," and it assumed that further information would be forthcoming in individual reports. So they did not provide any specific comments to the document itself.
Some of the topics, the main topics that the comments covered, was minor discrepancies in the identification of buildings, building sites, and IR sites on HRA tables. There's some conflicts in there that we didn't catch before we got it published; and one of those, which we'll get to in a little bit, was Building 322 being on there twice, which I believe EPA caught that one.
The history of Operation Crossroads ships after decontamination: There were several comments provided with additional information about what happened to the ships. There was some requests for even more history of the impacted sites if we had more specific information on the buildings or the uses in the buildings of

radioactive materials.
They would like me to take a second look at the contamination of migration potential assessments where we, you know, rated them with high, medium, low, whatever the assessment was. There were several requests for me to look at those again.
And there was a request for a lot more floor plans. The ones where we had the floor plans were the buildings were definitely very popular; and they felt if I could find more floor plans, it would be helpful.
Expanded impacted site recommendations: On those they wanted me -- if I said a recommendation was a scoping survey, they wanted it to carry through to the end results so it would be a scoping survey characterization if needed, remediation and final status survey. And we're looking at those.
More detailed diagrams of sanitary storm drain systems because those were put into general large documents, maps; and they wanted, near as I could tell from the comment, more specific to each parcel so that you could get more details.
The Phase V investigation reports: There were a lot of comments saying that they couldn't look at the HRA without those reports part of it. That will be real difficult to do. And there were a lot of comments made

on the Phase V investigation reports that were attached to the draft HRA and not the final draft HRA -- or the draft final. Excuse me. Those reports have totally been redone and resubmitted. So I'm not sure how I'm going to answer those comments.
"Risk assessments for each parcel": There was a request to have a risk assessment for the parcel, not for the individual site. And again, we're going to have to look at those.
And of course, the one most specifically mentioned was no one liked the last conclusion, the last sentence in the document: "To date, no evidence has been identified that would indicate that shipyard tenants, the surrounding community, and the environment are at risk from previous radiological activities at HPS."
So we are looking at that assessment. The HRA team that put that together still pretty much stands by that assessment, but we will look at that and look at the wording and the other conclusions when we're preparing the response to comments.
Building 322. We're going to move on to some of our -- That used to be Building 322 right up here at the -- at the corner.
Next slide, Julie.

Building -- and as Dr. Sumchai said earlier, the building was relocated from Parcel D to Parcel A in 1959. Actually lifted the building and moved it.
This was -- The actual fact that there were two building numbers with 322 and the fact that it had been moved, EPA identified the fact that there were two building numbers. When we started researching, we realized they were the same building, and they had been listed in two parcels.
There were no radiological operations in Building 322 when it was in Parcel A. It was a one-story structure about 74 square meters. It was located right out here on the intersection at Donohue and Innes Streets and a raised wooden floor on a concrete slab, and it was used as the north gate pass office from 1968.
The radiological disposition survey is currently ongoing. It is being done because we found minimal cesium contamination at the Parcel D location, and -- which we have remediated, and that will be reported in a Phase V investigation report.
We also wanted to eliminate any doubt concerning a possible radiological residual contamination in the structure prior to moving forward with the transfer of Parcel A.

Radioisotopes we looked at for Building 322 were the same ones we looked for at the Parcel D site, which were plutonium-239, cesium-137, strontium-90, radium 226, and thorium 232.
DR. SUMCHAI: Can I just ask a really quick, important question? What radiological operations were done at this building at Parcel D?
MS. PENDERGRASS: Can you write that down, please, and hold that --
DR. SUMCHAI: Just --
MS. PENDERGRASS: -- till the end?
DR. SUMCHAI: Okay.
MS. PENDERGRASS: Thank you.
MS. LOWMAN: To date, the disposition survey has found no contamination at all. And we -- the survey covered the interior walls of the building, three layers of plywood flooring, each with a minimum of one layer of tile -- some had two layers of tile -- piping and ventilation systems.
Okay, Julie.
This is what's showing some of the layers of the flooring that we took up and we're surveying as we took them up so we could get everything. We did samples of the tiles where they were glued together also.
And this is the bottom floor after all the

layers were removed where we did an actual hundred percent survey of the floor after we got all of the various layers off.

The building is gone. It is not there any longer. We -- The truckloads of building debris when they left the base were surveyed again to make sure we hadn't missed anything when we were tearing the building down and that possibly could have contamination on it.

The concrete slab that the raised foundation was over was surveyed today, and I don't have the results of that survey yet. So I really can't tell you. I doubt they found anything, but I don't know that for sure.

And then after that is finished, we will remove the concrete slab, and we will do a final status survey on the footprint of the building and the dirt and take soil samples from where the building was.

That's showing the demolition of the building. And if you look very carefully -- Bill maybe can point it out with his laser pointer -- you can see the guy up there doing the dust control measures with a hose. He's up there above the -- right there [indicating] that we used while we were taking the building down to make sure there was no residual dust and -- floating around from the demolition.

Okay. Next one we're going to talk about is IR-59 JAI, which is Jerrold Avenue investigation. And IR-59 is up on the hill on Parcel A.

We can -- we can move on.

Here's a picture of what it currently looks like. It's a small plot of land with a 3-foot retaining wall at one end. It's covered with heavy brush and tree-like, bush-like growth.

Questions have been raised about this site because of the sandblast grit that was found during the 1995 remedial investigation.

The site is a vacant lot, except for the vegetation, measuring 153 by 70 feet. Near as I can tell, formerly it was the site of four Quonset huts that were constructed between 1935 and 1948. And those were removed prior to 1977, but I don't have the exact time frame. We can only go by the aerial photos as to when they were removed.

And near as my research can find, those were used as residential sites. There's a possibility that they were used as something else, but I haven't found that.

Temporary structures were on the lot in 1982, and those were removed by '89, and I do not know what the use of those structures were.

1994 they found some sandblast grit when they were repairing a water line broken during an excavation. They were excavating the site to look for and sample for other types of contaminants.

The sandblast grit appeared to have been used as backfill for a utility trench repair on a sanitary line servicing the Quonset huts. I don't have the exact dates of those repairs. Very difficult to determine from the information that I found so far.

The sewer line was dismantled and -- during the 1994 investigation. The north end was plugged. The entire 120 feet of sewer line was removed, and it was plugged where it exited IR-59.

The sand blast grit was identified as black granular particles, commonly referred to as "black beauty." It didn't say specifically it was "black beauty," but that's the description that was in the RI report. Paint chips were identified in the grit, and samples were tested and found pesticides, chemical and heavy metal contamination. But no radiological analysis was ever done. They did a lot of testing. I'm not sure how we missed that one.

During the 1995 RI -- it's the last part of it -- they determined the lateral and vertical extent of the sandblast grit, and they excavated it totally except

for, as it states in the report, there were minor amounts of scattering during the removal that fell off the bucket when they were taking it all out.

Currently the site is covered in vegetation, and there is some broken asphalt walkways or some cement up there, I would assume, from foundations for the Quonset huts.

We have not identified the site as an impacted -- radiologically impacted site, as there were no radiological operations and/or disposal that were associated with the site. And right now I c- -- I cannot determine any reason to do further radiological investigations on that site.

Now, as far as sandblast grit at HPS, I wanted to clarify for everybody that anytime we find sandblast grit currently, any investigation that we're doing -- and we've been doing this for several years now -- we always take the sandblast grit because of the history of the use of sandblast grit at Hunters Point and we sample it for radioactivity.

Most all the time we have not found any contaminant in the sandblast grit except for that that is naturally occurring within the grit itself. We have not found contamination for the -- on the grit from the decontamination of Operation Crossroads or the yats

[phonetic]. We just haven't found anything.
And we will continue to do this sampling, no matter where we're digging. It doesn't matter if it's a radiological investigation if sandblast grit is found. We do take the samples and do radiological analysis of any sandblast grit that is found, and that will continue.
Okay. Pending projects right now that we have on line but not quite going: Characterization of the metal slag/metal reef in IR-02. That work plan is out and is being reviewed by regulators.
IR-02 northwest and central radiological removal: That work plan is sitting on my desk waiting for me to look at that one.
Next. Next slide.
The PCB hot spot soil excavation: The radiological aspects of that work plan is sitting on my desk with the other one.
Building 819 equipment dismantling, removal and packaging: That work plan is being written by the contractors. We looked at one version. It needs to be revised and is back for rewrite.
Okay. We have gone through all the sites that we have out at Hunters Point. This is where I need Bill and his magic laser pointer. And we have established

dry docks, if I'm not mistaken, yes; 146, which was a radium dial turn-in location and also a radioactive waste storage location for the Shipyard. 157, I can't remember what that one -- that one was for.
You don't know where that one is?
MR. HANEY: No.
MS. LOWMAN: Bill, I can't believe this.
All right. In IR-07 and 18, which are right up here out the window. You can see them right out there. Yes. Those are Priority 1. Those are Priority 1 investigation areas for Parcel B.
Priority 2 are Dry Docks 5 and 7 and the ship's berths up there. And Priority 3 are the ship's berths not associated with the dry docks, sanitary sewers and storm drain lines.
Parcel D priorities: Priority 1 is Buildings 351A, 364, and 366. All of those buildings have contamination associated with them. We'll be working on those.
Priority 2 are Buildings 408, which was the smelter; 500, which is an NRDL building; and Building 503 site. That was the -- Building 503 was the radioactive laundry that NRDL used during decontamination of Crossroads ships and after that. It's currently under the police building. So --

priorities for all the sites with remaining rad. work to be done.
This does not include the Phase V investigations previously done and the reports that are out, because we consider those pending my review of those right now to be completed. So they are not on this priority list. If we find a problem with the report, they will be put back on the priority list.
So by parcel order, they go with Parcel A first. But right now the buildings that we listed in Parcel A and the HRA, which are 813 and 819, have been removed from Parcel A and cut out and are now considered part of Parcel B -- D rather. They are down there where Bill is pointing.
Second priority by parcel is Parcel B. Then we go to Parcel D, Parcel C, Parcel E; and last would be Parcel F, the underwater areas.
Priority 1 within Parcel B priorities: Building 114, which was used for some gamma radiography operations and storage, if I'm not mistaken. 140 and the discharge tunnel come out from Dry Dock 3? That's Dry Dock 3.
MR. BROWN: Yes, 3.
MS. LOWMAN: Three, yes. That's the discharge tunnel. 142, which was another building associated with

MS. PIERCE: Oh, good.
MS. LOWMAN: -- I don't think they know that. I don't think they know that. This will be a surprise for them. So --
MR. TISDELL: Don't tell them.
MR. MANUEL: They don't need it.
MS. LOWMAN: Okay. That one's going to be interesting.
Priority 3 would be the ship's berths, sanitary sewers, and storm drain lines associated with the buildings.
Okay. Next slide, please. Okay. You already took it.
Parcel C: Buildings 211 and 253. 211 we have found some thorium contamination down in the ground floor.
253 we have found contamination through the building and ventilation and in piping. We think that is the location of the radium dial paint shop. We haven't confirmed that, but we know the Shipyard had one. Every shipyard had one. Every air station had one that belonged to the Navy.
I would expect some residual contamination from 253 in the lines if we determine that -- in the sewer and sanitary lines, storm and sanitary lines, if we find

out that that is the radium dial paint shop when we start doing the remedial work inside of the building.

Priority 2 would be Buildings 203 and 205. 203 was --

MS. VETROMILE: No.

MS. LOWMAN: 203 -- 203 is associated with --

MR. HANEY: Dry dock or the --

MS. LOWMAN: The dry docks, yes.

MR. HANEY: Dry docks.

MS. LOWMAN: Mm-hmm (nods). Right down th- -- right down there.

And then Priority 3 again is ship's berths, sanitary sewers, and storm drain lines.

Those priorities with the storm drains and sanitary lines will change. If we find contamination, like in 253, and it is associated with those, then they will become a higher priority for the lines associated with those higher-priority buildings.

Okay. Let's go Parcel D -- no -- Parcel E. Sorry.

Priority 1: Experimental shielding range, IR-01/21 and IR-02 and the shoreline. We have lots of surveys left to do there. We have found contamination in these areas. We're beyond the scoping survey part except for areas in IR-02, and IR-03 should have been on

that one too. I -- That's my mistake. I just realized that. That's the oil dredge ponds.

Priority 2 are the building -- 500 building site area. That is all the areas around the 500 buildings that were used by NRDL, like 506, 507, 508, 509, 510, 510A, 517, 520 and 529. Those as well as 521, Shack 79 and 80, those are all in that same area. They were all used by NRDL. They all had storage of radioactive materials in them.

And we are doing those -- When we start that project, there's going to be a lot of surveying, a lot of sampling. There's piping left there where those buildings are. That's why they are all put together in a single priority.

Okay. Priority 3: The 704 area. That's an area where there was radioactive materials storage back in the late '40s, early '50s; and they had animal pens there on -- my understanding is, was large animals that were used by NRDL. 707 kennel area outside Building 707 and the triangle. 707B and 707C site, which were also used by NRDL. 707 triangle area, that's the area that was used for radioactive waste, packaging, storing, and prepa- -- preparation for deep-sea disposal that was run by NRDL for those operations. 719, which was the incinerator used by NRDL.

807, Building 810 where we have -- that was a supply building. We have found some contamination on the loading dock of that building.

IR-03, which should have been in the one before, that should have been in the Priority 1, and it's on this slide mistakenly.

IR-04, which is the former scrap yard which we have done surveys on and found contamination in, and the salvage yard, which we need to do.

The remaining priorities would be Parcel F. That would cover underwater areas beneath the ship's berths as well as outfall areas from the dry docks and the 40 outfalls from the storm drain system.

So basewide, of course, is your sanitary sewer lines, storm drain lines; and those priorities will be established by parcel associated with the areas where we find contamination.

And last, but not least, are your Formerly Used Defense Sites, which are really -- those priorities are established by the Army Corps of Engineers. We have included them in the HRA. We have made recommendations in the HRA.

I haven't gotten the comments back from the Corps of Engineers. I understand there are some, but I haven't received them yet. So, hopefully, we'll be able

to talk to Jerry Vincent. Dr. Sumchai's invited him to the next Radiological Subcommittee. Maybe we can get some answers from him. But he will establish those priorities.

That's it. That's all I have today.

MS. PENDERGRASS: All rightie. Miss Brownell?

MS. BROWNELL: Quick question on the priorities. So can you clarify, do you -- is the plan to do -- start with the Parcel A site and finish those first and then go to the Parcel B and then go 1, 2, 3 priority, and then go to Parcel D 1, 2, 3 priority, or is there some sort of simultaneous --?

MS. LOWMAN: There's a simultaneous priority organizing going on.

Some of these, for instance, Parcel A sites, have been moved; and they are now in Parcel D, yeah. And 819 is -- the work plan is being worked on. 813, I haven't seen the work plan for that one yet. But it is a top priority.

At the same time, we're doing work plans for IR-07 and 18. We just made the decision to start those today. We're trying one for 146 on Parcel B. There's a concerted effort to do a work plan for 253 in Parcel C. We're doing work plans for the areas 364 and everything in Parcel D.

There's some concerted effort to try to address all of the Priority 1s. But as far as completion of parcels, the priority is B, D, C, E, and F.

MS. BROWNELL: Except for the 813?

MS. LOWMAN: Right. 813 and 819 is really in D.

MS. BROWNELL: Got it.

MS. PENDERGRASS: Dr. Sumchai --

MS. BROWNELL: Thank you.

MS. PENDERGRASS: -- and then Mr. Manuel.

MR. MANUEL: Actually, Ray Tompkins is before me.

DR. SUMCHAI: I -- I just wanted to stand to emphasize the continued concern that I have that we are not free of concerns about whether or not the sanitary sewer system and storm drains on Parcel A are free of concern with regard to radiological impaction.

And I am -- I am mystified by the temporary structures in the Quonset huts that were on Parcel A and IR-59 JAI. In 1948 they were there. In 1977 they were gone. And in 1981 they were gone. In 1983 they were there. And then 1989 they were gone.

And we all know that NRDL had some very secretive practices; and until we know what was going on in these buildings -- These buildings were serviced by

a sanitary sewer line that was connected to Innes Avenue. I would suspect that these are probably warehouses. They may have been warehouses for classified substances that, you know, were secretive and that there was some reason for, you know, moving them around.

And until we know what went on here, I think that there's just a big question mark on Parcel A, and I would encourage us to complete the HRA and to try to identify what was going on in these Quonset huts and these temporary structures and make sure that there wasn't anything that was going on that would have led to contamination of the sanitary sewer lines.

Second thing is that I -- I strongly want to disagree with you. If you've got sandblast that was disposed of, then under MARSSIM classifications, this is a MARSSIM 2 area. Even if you don't expect that it exceeds release criteria, it is by definition a MARSSIM 2. As sandblast is naturally occurring and you find it, I think that it still classifies.

I did want to just end with a question: What were the radiological operations that were occurring in Building 322 on Parcel D that makes you suspect that plutonium, cesium, and all the rest of this stuff was -- was going on there?

MS. LOWMAN: Okay.

MS. PENDERGRASS: Thank you.

MS. LOWMAN: Okay. A couple comments.

We have not found anything on Parcel A having to do with any radiological operations. We have done extensive research.

Near as I can tell, the Quonset huts were used for residences. That was a housing area. There is housing immediately adjacent still remaining up there.

As far as the temporary structures, I -- there is a comment in the report that they found some old fertilizer in there, and they were thinking maybe it was used for some sort of grounds maintenance storage; but I'm not sure about that. We will continue to look for s- -- for more information on that.

As far as 322, maybe I should address the storm lines and the sewer lines on Parcel A. Until I find evidence of radiological operations in Parcel A, I would have no reason to think that those would have any type of contamination in them. So therefore, they are going to continue to be excluded.

322, when it was in Parcel D, was used for radiation survey instrument repairs and calibration. They had check sources in there, and those were the isotopes that we found doing the HRA that indicated they

had been used in that building. It's all in support of survey instruments. It was a very small building, really more the size of a trailer than a size of a -- of an operational building with multiple rooms. So it was very small.

DR. SUMCHAI: Well, there were radiological operations in Building 813, 816, 819, 821, and 815 was geographically located on the Parcel A region.

There is evidence of radiological operation on Parcel A, and we need to stop saying that there is not evidence of radiological operation.

MS. LOWMAN: Well, I need to clarify that Building 815 is not on Parcel A anymore.

DR. SUMCHAI: I know, but --

MS. LOWMAN: And the sewers associated with 815 run a different direction off of the base. They are not associated with any of the sewers up on the hill or any of the sewers associated in Parcel A. As fa- -- and that is a FUDS site, and so I have a limited amount that I can recommend to the Army Corps of Engineers.

821 and 816 were -- had radiological operations. 816 did. 821 was actually a machine source building. It did not have radioactive material in it. We did do surveys in there to confirm that they did not use anything in 821. We found absolutely no

contamination.
DR. SUMCHAI: Animal irradiation was done in 821. In your HRA, it says animal irradiation.
MS. LOWMAN: Okay. Analytical?
DR. SUMCHAI: Animal irradiation.
MS. LOWMAN: Animal irradiation using machine sources. That would be like using an x-ray machine to look at an animal or dose an animal with x-rays but not using radioactive material. It would be using a machine source.
Now, 816 used tritium targets. It did have -- previously have tritium contamination in it. They did remove tritium contamination from the inside of the building historically a couple of times. And they have checked the building again, and we have checked the outside of the building and the area and found no additional tritium contamination.
So that building was released by DHS, and 821 was released by California Department of Health Services also. That is the -- Those are the folks that EPA is deferring to for release of those buildings. Now, those two buildings are in Parcel A.
The other buildings, 830, 831, 820, 815, are FUDS sites. They are on a sewer line that goes off base that is beyond Building 819, and it is not associated

with the other sewers on the base.
MS. PENDERGRASS: Okay. The questions will go like: The next questions will be Dr. Tompkins, J. R. Manuel, back to --
MR. ATTENDEE: (Interrupting.)
MS. PENDERGRASS: -- back over here, and we're -- that's the way that will go.
MS. LOWMAN: Hi.
MR. TOMPKINS: I had a -- in a previous meeting --
MS. PENDERGRASS: You have two questions. That's it. Two questions.
MR. TOMPKINS: I love you too.
MS. PIERCE: Short. Short.
MR. TOMPKINS: Short. Yes, Karen. Thank you. Not a complex.
Okay. In a previous meeting we had here at the RAB meeting, the gentleman who did the sewer, and I'm kind of concerned about them. They stated to us that they have not scoped out the entire sewer system for radiological exposure, contamination.
I am concerned that -- you don't need a Ph.D. or M.D. to understand at home when your pipe line plugs up, sometimes -- 'cause they are running on an assumption that all the radiological material would be

right there at the lip.
But the problem I have at my house is that when it gets to the street, it clogs up all the way down there.
And to do a report on an assumption that is just at the lip where they poured it and over a 20-year period dealing with accumulation under -- from the '40s to the late '60s, as I understand what was presented to us, that I feel that is lacking in good science to not have scoped it out, because you run it on assumption when assumptions are used where human beings' errors occur in assumptions and that it would be -- what is your position on this?
Should they not have done the entire scope, given the nature of the sewer lines and running and the possibility of accumulating elsewhere other than just the drain where they poured it at? Because grease can hold it, whatever, so many other possibilities.
MS. LOWMAN: It is our intent to do the sewer lines anywhere associated with buildings that were associated with NRDL.
For instance, we have found contamination in Cochrane Street outside of Buildings 364, 351A, 366, in between Buildings 364 and 365. And we have done enti- -- That's one of the reasons that we're doing

Building 819 is because that is the point that all the sewers come to and vacate the base except for those downstream on . . . What street is that? What's 8 --
MR. FORMAN: Crisp.
MS. LOWMAN: Crisp -- Crisp Avenue. And so we are equally concerned, and we are doing those investigations.
MR. TOMPKINS: So in the scope of the work, then, will the system then be totally scoped out to ensure the public that there's no possibilities? And I explained why I have that question.
MS. LOWMAN: Okay. I can't tell you that we will do every single pipe because we will have to get into the system and see how it goes.
But right now Parcel A is not included, but all of the other storm and sanitary lines as well as some septic lines that we have found, particularly around the radioactive waste triangle, 707 triangle, those are being done. Those are broken. We have already found out that there's minor contamination in them, and they are broken. So we are going to have to be doing a lot more.
MR. TOMPKINS: Okay.
MS. PENDERGRASS: No, sir.
MR. TOMPKINS: One quick.

MS. PENDERGRASS: You've had two questions.
MR. TOMPKINS: That's a follow-up, though.
MS. PENDERGRASS: You had two questions, sir. Can we move on, please?
MR. TOMPKINS: Objection.
MS. PENDERGRASS: Mr. Tompkins, please.
MR. MANUEL: Be nice.
MR. TOMPKINS: Is it --?
MS. PENDERGRASS: Can we --
MR. TOMPKINS: Okay.
MR. MANUEL: Be nice.
MS. PENDERGRASS: -- move on? Someone else might have the same question. You have to share.
MR. TOMPKINS: When we were at the --
(Simultaneous colloquy.)
MS. PENDERGRASS: Nobody . . . that fast.
Yes, sir.
MR. MANUEL: Okay. The sandblast grit that you mentioned earlier, you mentioned that it's fill. First off, I think Dr. A- -- Sumchai over there maybe got the wrong idea by what you were saying in a sense that I don't think you meant that it's naturally occurring where it's at.
MS. LOWMAN: No.
MR. MANUEL: Okay. She didn't -- she didn't

mean that. You mean that the compounds were naturally occurring within the grit?
MS. LOWMAN: That's right.
MR. MANUEL: Okay. So here is my point.
MS. LOWMAN: Somebody put the grit there.
MR. MANUEL: Right.
MS. LOWMAN: Yeah.
MR. MANUEL: Okay. Here's my point. Was it used? Because if it was used, then it ri- -- rises to a -- to an occasion where the EPA considers it to be a hazardous material different than one that you can just transport. If it's not used, you can transport it without an assessment, because it's not -- I mean, there's things, like you said, that are naturally occurring.
But if it's used, now you have all the issues of asbestos, lead, et cetera, as to whatever was on those ship's hulls, whether it was radiological or whether it was just something else gets in it if it's used now beyond the radiological issues.
If it was used, did you consider that those other issues are something that need to be assessed as well?
MS. LOWMAN: Okay. The sandblast grit was used. It did have paint chips in it. I'm basing this

on a 1995 remedial investigation report. I did not do the investigation. There is multiple pages and pages and pages. It's a very large report of sampling that they did. They did find pesticides, heavy metals, different compounds in the sandblast grit, and that's why it was taken out.
And in the report they state they found every bit of it and took it, but there was a little bit that fell off the bucket when it was being taken out. So --
MR. MANUEL: So the surrounding area was assessed as well?
MS. LOWMAN: Yes.
MR. MANUEL: I know -- I'm not going to ask another question, but I just wanted to make sure that --
MS. PENDERGRASS: Yeah.
MR. MANUEL: Okay.
MS. PENDERGRASS: Keep us to it. And this will be our last question. I'm sorry. Mr. --
MR. BROWN: I have a question also.
MR. CAMPBELL: Laurie, on a series of buildings on top of the hill, there -- the D series buildings, and they were torn down; and that's where Mariner's Village is. That's a FUDS site.
Now, there was, I'm sure, sewage attached to that. Can you tell me where it went?

MS. LOWMAN: First -- You must be talking about D19, 20, and 21?
MR. CAMPBELL: Right.
MS. LOWMAN: And there were actually five up there: D19, 20, 21, 22, and 23.
MR. CAMPBELL: Right.
MS. LOWMAN: D19, 20, and 21 were used by NRDL for a short period of time, maybe six months to a year. They were used for administrative functions only. We have found absolutely no history of them storing any radioactive materials up there.
They were used for payroll. They were used for supplies. They had high security on them because they used money, and they stored their money up there. That's how they paid people. They paid them in cash.
So those buildings have been totally gone, and the streets have been totally reconfigured. The streets up there are not the same anymore. They are totally different.
I -- It would be very difficult and a FUDS property issue, but it would be very difficult to go in and do the surveys of those sites, and I don't know if the Army Corps of Engineers would entertain that or not.
The other two buildings were used by the Public Works and the supply department of the Shipyard for

storage. So I'm not sure exactly when they were built, but I know they wanted them torn down in 1951 per the correspondence.

So, no, we haven't -- I haven't checked to see if there's any sewers associated with those. I would assume they were removed when the buil- -- when the streets were reconfigured, but I don't know that for sure.

THE REPORTER: Excuse me. One minute. I have to add paper.

(Off-record colloquy.)

MS. PENDERGRASS: We are back on the record, please.

MR. TOMPKINS: We are back on the record. Let's stay on the record.

MS. PENDERGRASS: Did you finish with your answer to that question?

MS. PIERCE: What was --

MS. LOWMAN: Yes.

MS. PIERCE: -- the question?

MR. CAMPBELL: Well, actually --

MS. PENDERGRASS: Do you have another question, Mr. Campbell?

MR. CAMPBELL: Well, no. It's part of the same question.

MS. PENDERGRASS: Well, it would be your second question.

MR. CAMPBELL: Clarifying on the question, when we look at some of the maps, it looked like there was more than four buildings there. It looked like nine buildings, if I remember correctly. But we can go back and check our records also.

MS. LOWMAN: Okay. If you have records that I don't have, just let me know when I can get copies of them, or you can e-mail them to me or whatever. If you have something that I don't have, please share it. Okay?

MS. PENDERGRASS: Okay.

MR. MASON: I have a comment -- I have a question -- a comment and a question. Milton Meyers' gym was built on a Quonset style because the majority of the houses up there were Quonset style. The army was up there too, you know, the Army and the Navy. And there were Quonset huts on the Shipyard. So people did live in those Quonset huts, one on one end and one on the other end.

Now, the question is, I was on Parcel A right behind Precision, right around Crisp, and there's a sewage drain down there. And the water seems to be running off the hill, because standing there, you know,

I could hear it running. And I'm wondering if you tested in that area because there seems to be sewage running from off the hill down to behind Precision, that trucking area down there.

MR. TISDELL: Can -- can I -- can I say something about that real quick?

MS. PENDERGRASS: Excuse me.

MR. TISDELL: No. This is concerning that. This is concerning that.

MS. PENDERGRASS: Mr. Tisdell --

MR. TISDELL: This is concerning that.

MS. PENDERGRASS: -- please stay in order, please.

MR. TISDELL: Well, this is concerning that. They don't know nothing about it.

MS. PENDERGRASS: Well --

MR. TISDELL: Can I --? No. I'm gonna answer it for them.

MS. PENDERGRASS: Well, Jesse --

MR. MASON: It seems to be some water running down in that direction, you know, because I can hear it running.

MS. LOWMAN: You can hear the water running?

MR. MASON: I can hear it.

MS. LOWMAN: I am not aware of anything in that

area. I --

MR. MASON: Right behind Precision Trucking, that building there.

MS. PENDERGRASS: So you all aren't aware of anything, and Mr. Tisdell would like to add some clarity.

MR. MASON: Let me -- let me say this to you, because when we were down there two weeks from work one day, and I just heard some water running, heard the water running.

So one of the truckers and I started looking around, and we saw a sewage drain there, you know, and --

MS. LOWMAN: You mean you saw, like, a manhole cover, open grate?

MR. MASON: It was a grate.

MR. FORMAN: It's storm water.

MS. LOWMAN: That's a storm water drain.

MR. MASON: Yeah. Okay. So that's --

MS. LOWMAN: I haven't --

MR. MASON: Wasn't used as a sewage?

MS. LOWMAN: No.

MR. MASON: Just storm water?

MS. LOWMAN: No. That should be -- They should be separate systems now. At one point, they were

combined, but years ago they separated the systems.
MS. PENDERGRASS: Okay. Before we take another question, Mr. Tisdell had some light he'd like to shed on what you just said.
MR. TISDELL: I'm not going to. No. What it is, it's a reason why there's water coming out of the side of the hill. There's a broken water main under Mariner's Village.
MR. MASON: Okay.
MR. TISDELL: That's where the water comes up. Remember I told you about that, water down there before? That's what that's about. So . . .
MS. RINES: Thank you, Mr. Tisdell.
MS. LOWMAN: Thank you very much. I did not know that.
MS. PENDERGRASS: Mr. Brown is next, please.
And then Mr. Tisdell, we'll come back to you for your question.
MR. BROWN: Hello, Laurie. The EIS and EIR involved these buildings with the radioisotopes that are no longer on Parcel A.
Did it identify these isotopes or any hazardous material? So what I'm saying is, in the EIR, EIS, those buildings before you guys changed the boundaries are on that, that --

MS. LOWMAN: Okay.
MR. BROWN: Right? So shouldn't it be --? I say, if n- -- if not, why not, and when will the environmental review going -- is going to take place?
MS. LOWMAN: Is this Mr. --? I'm not sure how to say his last name.
MR. FORMAN: Mr. Capobres.
DR. SUMCHAI: The EIR incorporates the old boundaries. The buildings that you --
MS. ATTENDEE: Mr. Capobres.
DR. SUMCHAI: -- the boundaries on are in the EIR report.
So this is another reason why there needs to be an addendum to the EIR. So we did --
MR. BROWN: Right.
MS. LOWMAN: Didn't you just tell me yesterday that the report references the HRA, but it was published prior to the publication of the draft final HRA?
DR. SUMCHAI: Right.
MS. LOWMAN: So yeah, there's things that need to be addressed, and I think we covered that with a motion, didn't we?
MS. PENDERGRASS: Yes, we did.
MS. LOWMAN: Yeah, uh-huh.
MS. PENDERGRASS: Mr. Tisdell has a question

now.
MR. TISDELL: I have a very simple one.
Okay. Now, in -- in that IR 5, dash, 5 9 JIA [sic], it's -- you know, you stated that minor amounts from scattering removal may remains.
But in -- in the backhoe, you know, scooping up, there's going to be about a sh- -- I say a shovel to a shovel and a half per -- you know, per load.
And at that rate, don't you think that's a lot of black grit that's coming back on the ground that's not being removed?
MS. LOWMAN: Well, you know, I went up there yesterday morning, and I went over that site. We would have to clean the entire vegetation off the site to even be able to -- I could not tell. I could not tell. I went up there looking to see if there was sandblast grit up there, and I could not find any.
Without clearing vegetation, without doing that, it would be very difficult for me to tell.
So I can -- that would be an answer for Pat and Keith as to whether they would want to do that.
MR. BROOKS: Well, I just might add that in the RI report, it says the sandblast was removed both by backhoe and by hand. So the smaller areas were removed by hand.

MR. TISDELL: Okay.
MS. LOWMAN: I think they really -- Now, it did include the statement about the minor amounts, but I think it was -- they truly meant inconsequential.
MR. TISDELL: But, yeah, they didn't say nothing about it. That's all. I was just wondering.
MS. PENDERGRASS: Okay. Our final question is from Lea, and then we have a couple more things before we adjourn the meeting tonight.
Yes.
MS. LOIZOS: I just wanted to state something for the record because I think I forgot to write it -- I know I forgot to write it in our formal comments, and I talked about it with some RASO folks during -- during the HRA Information Day.
But in regards to the buildings that Maurice was talking about, D19, 20, and 21, the information that you just told us about their use wasn't actually included in the HRA. I know that you are not considering them to be impacted, but the map that is provided in the HRA has them sho- -- shown as impacted. So they need to be removed, yeah.
And since it is such a source of concern in the community, I think it -- it would be worth including a description of what their use was and maybe in the

reference section including the documentation that you have, you know, that states what they were used for and whatnot.
MS. LOWMAN: Okay.
MS. PENDERGRASS: All right. All right. That concludes, and thank you very much.
(Applause.)
MS. PENDERGRASS: We have a couple more things before we leave. One is that we -- at this point, we need to make sure we have any agenda items for any -- for our next meeting, any agenda items that need to be added?
Mr. Tompkins and Mr. Mason.
MR. TOMPKINS: I would like to make a request from the Navy so that for the next meeting that in the previous meeting when we used to meet at the police station that in terms of both testimony from old-timers that worked on the Shipyard and residents, I'd like to actually be able to view what they call ammunition storage under the hill because there were rumors from previous work, I guess testimony that was submitted by Laurie and all, that there was a large facility underneath.
And I'd like members of the RAB to see just what the facility is, because the old-timers say it goes

deep underneath your previous --
MS. PENDERGRASS: So your -- so your request is, in a nutshell . . . ?
MR. TOMPKINS: Is that we can see what is the ammunition dump that was storage site underneath the hill, actually have a physical inspection.
MS. RINES: Field trip.
MR. BROWN: Right.
MR. TOMPKINS: A field trip. Yeah, a field trip. Let's go back --
MS. PENDERGRASS: So can we put that on --
MR. TOMPKINS: On report --
MS. PENDERGRASS: -- as an action item --
MR. TOMPKINS: -- action item --
MS. PENDERGRASS: -- for the --
MR. TOMPKINS: -- for the Navy --
MS. PENDERGRASS: -- Navy --
MR. TOMPKINS: -- to arrange.
MS. PENDERGRASS: -- to arrange some type of field trip, and they can report back at the next RAB when that might be and what that sort of thing might be --
MR. FORMAN: Okay.
MS. PENDERGRASS: -- entail?
All right. Very fine.

MR. TOMPKINS: Thank you.
MR. MASON: There could be an announcement, because I know Arc Ecology here. They want to make a statement.
MS. PENDERGRASS: Well, we'll get to that, sir. Thank you so much. So nice that other people can do my job for me.
Any other agenda items?
MR. MANUEL: Over here.
MS. PENDERGRASS: Agenda items at this point.
Yes, Mr. Manuel.
MR. MANUEL: I -- It kind of came to my attention -- and I'm probably one of the biggest offenders in this regard, not quite a criminal, but almost -- a lot of these subcommittees are having problems with participation, and I'm about as bad as anybody because I'm out of town a lot.
MS. PENDERGRASS: I'm asking for agenda items.
MR. MANUEL: Okay, but --
MS. PENDERGRASS: Can you get to it?
MR. MANUEL: This is what -- this is what I was -- okay, dear. All right. All right.
So what I'm going to recommend is that perhaps we could make it something to where we either have extra meetings of some sort or that we put it in that there is

some mandatory participation in some of the subcommittees of some sort.
MS. PENDERGRASS: That sounds like a bylaw amendment, and that happens at the Bylaws Committee.
MS. RINES: Next month.
MR. MANUEL: Okay.
MS. PENDERGRASS: All right.
Mr. Tisdell, did you have something you'd like to add for the agenda?
MR. TISDELL: No. I just have a statement.
MS. PENDERGRASS: But just right now we're doing --
MR. TISDELL: I know.
MS. PENDERGRASS: -- agenda additions right now.
MR. TISDELL: Okay. I thought you was getting ready to close. I know.
MS. PIERCE: Can I just ask for clarification?
MS. PENDERGRASS: Yes.
MS. PIERCE: This may be a discussion on whether or not we have the proper committee structure in place, something that should be discussed?
MS. PENDERGRASS: On the agenda?
MS. PIERCE: I'm just asking, since that was brought up.

MR. MANUEL: That's along the lines of what I was kind of thinking.
MS. PENDERGRASS: I'm asking. If you want to add that to the agenda, just say so.
MS. PIERCE: Do people want that on the agenda?
MS. ATTENDEE: Yes.
MS. ATTENDEE: Yes.
MR. ATTENDEE: Yes.
MR. MANUEL: I think --
MS. PIERCE: So that's --
MR. MANUEL: -- anticipate --
MS. PENDERGRASS: All right.
MR. MANUEL: -- but --
MS. PENDERGRASS: So we'll put that down as a future agenda item topic. Thank you.
All right. At this point, we have a couple of minutes to take a question or some kind of comments from the audience before we move forward.
And tonight what we'd like to do before we adjourn is we'd like to adjourn in honor of Richard Lowman, and we'll take a moment when we adjourn.
So do we have someone in our audience at this point?
Just a moment.
Yes, sir.

MR. BLOOM: Okay. My name is Saul Bloom. I'm the -- thank you [accepting microphone].
My name is Saul Bloom. I'm the executive director of Arc Ecology, and I have a couple of things.
First thing is -- is that the Defense Department is in the process of creating new draft -- a new RAB rule, and the RAB rule was supposed to have been distributed to RAB co-chairs, the 300 RAB co-chairs in the United States; but there's some spottiness in it. I don't know whether or not you went and got a copy of the proposed rule.
MS. PENDERGRASS: Rule or role?
MR. BLOOM: Rule --
MS. PENDERGRASS: Rule.
MR. BLOOM: Proposed rule, RAB rule.
MS. PENDERGRASS: Okay.
MR. BLOOM: What this is, is the Defense Department is legislatively mandated to come up with a regulation governing RABs. The regulation will be noticed in the Federal Register. We don't have a date yet. But what I'm passing around now is a copy of the regulation as it came out in draft, and DoD circulated it. It's relevant to the actions of this body.
I would recommend that even though the DoD is no longer taking comments on this particular version of

it, that you be kept apprised of when the Federal Register actually notices the rule or public notice so that this RAB can go ahead and discuss what the RAB rule says and whether or not this body is pleased with the content of the -- the RAB rules.
So I -- I would urge you all to read this. It's a very important document, and it's going to have impacts on your deliberation for potentially years to come.
The mandate came out in about 1996. The first RAB rule was presented. This is the la- -- This is the first formal update to that rule. So you really want to take a look at it.
MS. PENDERGRASS: Do you have other copies? I don't think everybody got any.
MR. BLOOM: I'll see over here.
The second thing I have here is a letter in response to an e-mail that was sent out to RAB members regarding questions about a potential conflict of interest for my organization, Arc Ecology; and this is our formal response. So I am distributing it to the RAB so the RAB can have the -- our perspective.
If you'd like to discuss it with me further, please feel free. But I just wanted to hand out that letter so we can clarify things and move on.

Thank you very much, and I appreciate your time. Here are more of RAB rule documents.
MS. PENDERGRASS: Thank you. Thank you very much.
All right. Yes, sir.
MR. PODHURECKI: My name is Mark Podhurecki, and I seem to be living within radioactive spitting distance. My concern is when they start exhuming this whole debacle, shipping it off in trucks, what agency is responsible for monitoring these trucks being enclosed? 'Cause this dust is going to be flying around, no matter what.
And number 2 question is, When are all these transport trucks going to be doing their thing? What time of day or night? What year? What time of the year? Will kids be going to school? Is it during rush hour and stuff? Those are my two really big concerns.
MS. PENDERGRASS: Well, thank you for that, for those questions. How -- and I would just like to respond on the half -- on behalf of the RAB because it is a procedural kind of question is one, a lot of the issues that you just raised has been raised before by RAB members, and they have gone on and had resolution to those things. And most of those are on the Web site under some of the past minutes.

But I would suggest that if you have some concerns like that, come to the RAB meetings regularly, or/and in addition to that, talk to the RAB chair --
MR. BROWN: Right.
MS. PENDERGRASS: -- 'cause they can kind of answer some of those questions for you --
MR. MANUEL: I can answer the --
MS. PENDERGRASS: -- today, this month.
MR. MANUEL: This is a one- -- this is a one-answer question. I can answer your question.
MS. PENDERGRASS: You can talk to him afterwards, because that doesn't have to be on the record. Okay?
Yes, ma'am.
MS. SANTANA: Yes. Deborah Santana. I have a question about the HRA.
I notice that in the -- you know, in the draft HRA, I didn't get a chance to see the lease part of it, and I noticed that among the things you mentioned is that it doesn't include a survey of Operation Crossroads and in some of the experiments in some of the ships to give us some kind of idea of what types of radioactive and other contaminants might have been brought over here.
What I want to know is, did you also do the

same thing for Operation Hardtack? Because those ships -- those ships, I understand, were also brought here.
MS. PENDERGRASS: All right. Okay. Can you take that really briefly?
MS. LOWMAN: Sure. I will look into the Hardtack ships.
We did not have any records of the ships coming here. NRDL did participate, sent scientists and equipment to every atomic test that was done while they were in existence. And they did bring samples -- so fallouts and different things -- back from there. So we have taken that into consideration.
But Hardtack, we did not take that into consideration as ships. I have no record of that, but I will look into it if you want to provide that as a comment for us to do with the comments on the HRA.
As far as other ships that were the Crossroads ships and then, of course, the yats [phonetic] that NRDL used and sent out, and those were decontaminated also when they came back in.
MS. PENDERGRASS: Thank you. We are ready to have --
MS. ATTENDEE: Mr. Forman?
MS. PENDERGRASS: We have two more questions

from the RAB, and we're over. At this point, if these questions are going take more than one minute --
MR. TISDELL: No.
MS. PENDERGRASS: -- and more than that, we're going to have to give a break.
So Mr. Tisdell and then Lea, please.
MR. TISDELL: This is just a -- a notification for the community. Police department have been back up on the hill, and I have observed them and called Keith.
And this is just for anybody who see a police car or motorcycle up on the hill: Please get in touch with Keith Forman, because they said they was not going to be up there from Captain -- that -- when the captain came down here and then from the last RAB meeting, and then I turn around and see them again. Please, back me up on this.
MS. PENDERGRASS: Okay. Thank you.
Lea.
MR. MASON: Hey, I want to talk to you.
MS. LOIZOS: I just wanted to make a quick announcement and let folks know that if you're interested, I have provided copies of Arc Ecology's comments on the Parcel A FOST as well as the attachment that I have provided with those, which are the risk tables from Parcel A.

MS. PENDERGRASS: Thank you.
MS. LOIZOS: If there's not any more copies, get in touch with me, and I can get you one.
MS. PENDERGRASS: All right. Thank you so much, and I know this has been a long meeting, and I thank you for your attention.
What we'd like to do is -- everybody, if you would just take a moment of silence, and before we adjourn, we're going to take one minute of silence in honor of Mr. Lowman and his service. So if we could just take a moment.
(Pause.)
MS. PENDERGRASS: This meeting's adjourned.
(Off record at 8:08 p.m., 5/27/04.)
---oOo---

CERTIFICATE OF REPORTER

I, CHRISTINE M. NICCOLI, Certified Shorthand Reporter of the State of California, do hereby certify that the foregoing meeting was reported by me stenographically to the best of my ability at the time and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand this _____ day of _____, ____.

_____

CHRISTINE M. NICCOLI, C.S.R. NO. 4569

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Hunters Point Shipyard
HRA Update
27 May 2004

Laurie Lowman
Director, Program Support and LLRW
NAVSEADET RASO

Draft Final HRA Comments

- Published February 2004
- Comment period
  - 27 February – 27 April 2004
- Responses to comments due 45 days after comment period closed
  - 11 June 2004
- RASO requested extension to mid July for responses to comments

Commentators

- Following submitted comments requiring responses or revision of the HRA:
  - Navy commands
    - SWDIV, NAVSEA, RASO
  - EPA Region IX
  - California Regional Water Quality Control Board
  - City of San Francisco
    - Department of Public Health
  - Arc Ecology
  - Dr. Ahimsa Sumchai

State of California

- Letter received from Waste Management Section of California Department of Health Services (DHS)
  - Based on interagency agreement with DTSC
- "...found it adequate for providing a basis for site characterization and planning...it is assumed that further information will be forthcoming."

Comment Topics

- Minor discrepancies in the identification of buildings, building sites and IR sites on HRA tables
- History of OPERATION CROSSROADS ships after decontamination
- Even more history of impacted sites
- Take a second look at contamination and migration potentials

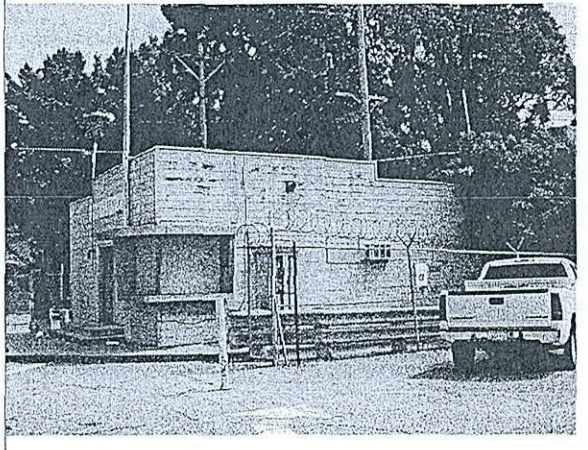
Comment Topics (cont.)

- Even more building floor plans for impacted site
- Expanded impacted site recommendations
- More detailed diagrams of sanitary and storm drain systems
- Phase V Investigation Reports
- Risk assessments for each parcel

Comment Topics (cont.)

- Conclusions; most specifically
  - "To date, no evidence has been identified that would indicate that shipyard tenants, the surrounding community, and the environment are at risk from previous radiological activities at HPS."

BUILDING 322



Building 322, Parcel A

- Building relocated from Parcel D to Parcel A in 1959
- Identified during review of Final Draft HRA when Building number was listed in two parcels
- No radiological operations were performed in Parcel A

Building 322 Description

- One story wooden structure
- Approximately 74 m^2
- Located at the intersection of Donahue and Innes Streets
- Raised wooden floor on a concrete slab
- Used as the North Gate Pass Office beginning in 1968.

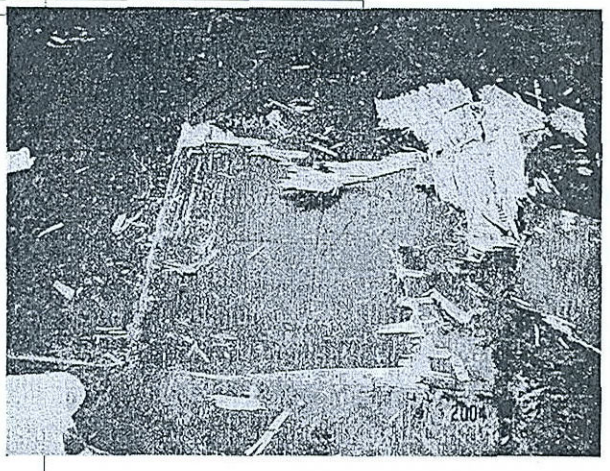
Building 322 Surveys

- Radiological disposition survey currently ongoing
- Being done because:
  - Minimal Cs-137 contamination was found at Parcel D site during Phase V Investigation
  - To eliminate all doubt concerning structure prior to moving forward to transfer Parcel A
- Radioisotopes of concern are same as Building 322 site in Parcel D
  - Pu-239, Cs-137, Sr-90, Ra-226, Th-232

Surveys (cont.)

- To date, disposition survey has found no contamination
- To date, survey has covered
  - Walls
  - Three layers of plywood flooring
    - Each covered with a minimum of one layer of tile
    - Each plywood layer screened and removed
  - Piping and ventilation systems

Building 322 Floor Layers



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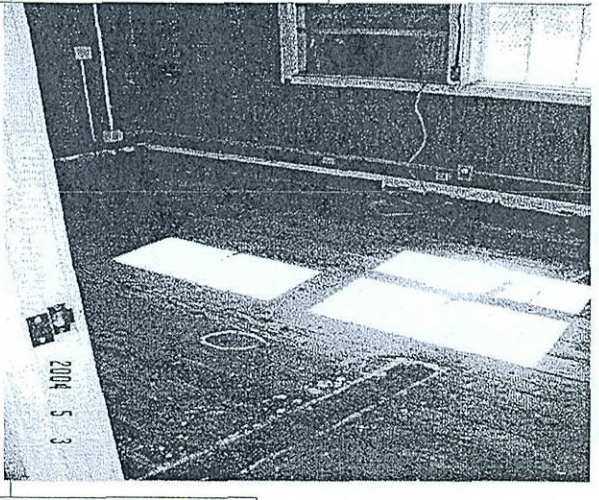
Building 322 Sub-floor



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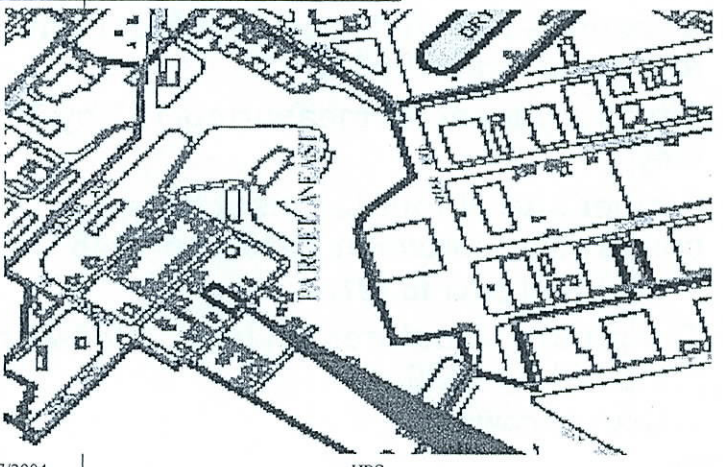
Building 322 Disposition

- Building has been demolished
- Truckloads of building debris were radiologically screened prior to leaving HPS
- Concrete slab was surveyed today for release and removal
- Final Status Survey will be performed on footprint of building

Building 322 Demo

IR 59 JAI



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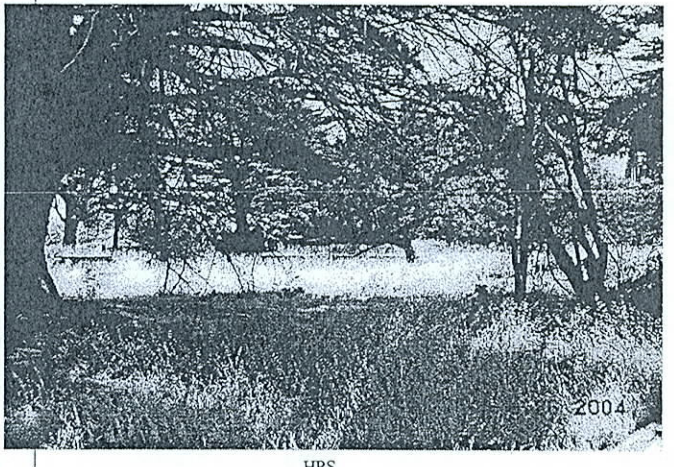
IR 59 JAI



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Parcel A, IR-59 JAI

- Questions raised due to sandblast grit found during a 1995 RI
- Site is a vacant lot measuring 153 by 70 feet
- Former site of four Quonset huts constructed between 1935 and 1948
  - Removed prior to 1977
- Temporary structures on lot in 1982 were removed by 1989
  - Use unknown

IR-59 JAI (Cont.)

- In 1994, sandblast grit was found while repairing a water line broken during an excavation
- The sandblast grit appeared to have been used as backfill for a utility trench for sanitary lines servicing the Quonset huts
- The sewer line was dismantled with the north end plugged where it exited IR-59 JAI

IR-59 JAI (Cont.)

- Sandblast grit was identified as black granular particles commonly referred to as "black beauty"
- Paint chips were identified in the grit
- Samples identified pesticide, chemical and heavy metal contamination
- No radiological analysis was done

IR-59 (Cont.)

- During the 1995 RI, the lateral and vertical extent of the sandblast grit were determined and the sandblast grit was excavated
- Minor amounts from scattering during the removal may remain
- Currently site is covered in vegetation with broken asphalt walkways.

Current IR-59 JAI Plans

- IR-59 JAI is not identified as an "impacted site" as no radiological operations or disposal have been associated with the site
- Further radiological site investigation is not warranted

Sandblast Grit at HPS

- Sandblast grit sampled to date has only identified naturally occurring radioactivity indigenous to the sandblast grit
- Due to the history of the use of sandblast grit at HPS, the Navy will ensure any sandblast grit discovered at HPS will be sampled for radioactivity.

Pending Projects

- Characterization of the Metal Slag/Metal Reef in IR-02
  - Work Plan is being reviewed by regulators
- IR-02 Northwest and Central Radiological Removal
  - Work Plan is being reviewed by RASO

Pending Projects (cont.)

- PCB Hot Spot Soil Excavation
  - Radiological aspects of work plan being reviewed by RASO
- Building 819 Equipment Dismantling, Removal and Packaging
  - Work Plan being written by contractors

Radiological Site Priorities

- Priorities established for remaining radiological site work by parcel
  - 1 – Parcel A (now Parcel D)
    - Buildings 813 and 819
  - 2 – Parcel B
  - 3 – Parcel D
  - 4 – Parcel C
  - 5 – Parcel E
  - 6 – Parcel F

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Parcel B Priorities

- Priority 1
  - Buildings 114, 140 and Discharge Tunnel, 142, 146, 157, IR-07, IR-18
- Priority 2
  - Drydocks 5 and 7, Berths
- Priority 3
  - Ship's Berths, Sanitary Sewers and Storm Drain Lines

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Parcel D Priorities

- Priority 1
  - Buildings 351A, 364, 366
- Priority 2
  - Buildings 408 and 500 and Building 503 site
- Priority 3
  - Ships Berths, Sanitary Sewers and Storm Drain Lines

Parcel C Priorities

- Priority 1
  - Buildings 211 and 253
- Priority 2
  - Buildings 203 and 205
- Priority 3
  - Ship's Berths, Sanitary Sewers, and Storm Drain Lines

Parcel E Priorities

- Priority 1
  - Experimental Shielding Range, IR-01/21, IR-02, and Shoreline
- Priority 2
  - 500 Building Site Area, 506 Site, 507 Site, 508 Site, 509 Site, 510 Site, 510A Site, 517 Site, 520 Site, 529 Site, Building 521, Shack 79 and Shack 80

Parcel E Priorities (Cont.)

- Priority 3
  - 704 Area, 704 Animal Pens, 707 Kennels, 707B Site, 707C Site, 707 Triangle Area, Building 719, 807 Site, Building 810, IR-03, IR-04 and Former Salvage Yard

Parcel F/Basewide Priorities

- Parcel F
  - Underwater Areas Beneath Ship's Berths
  - Outfall Areas from Drydocks
- Basewide
  - Sanitary Sewer Lines and Storm Drain Lines Priorities Established by Parcel
- FUDS
  - Priority to be established by Army Corps of Engineers

Questions and Comments

HUNTERS POINT SHIPYARD
MONTHLY PROGRESS REPORT

APRIL 2004

This monthly progress report (MPR) summarizes environmental restoration activities conducted by the Navy at Hunters Point Shipyard (HPS) during April 2004. This MPR is prepared in accordance with the HPS Federal Facility Agreement, Section 6.6. The MPR is presented in three sections: Section 1, Parcel Updates, summarizes key activities at each parcel completed during the past month and planned for the upcoming 2 months; Section 2, Schedule, identifies submittals, meetings, and field activities completed during the past month and planned for the upcoming 2 months; Section 3, Other, is intended for special announcements, changes in personnel, basewide issues, or other topics not included in Sections 1 or 2.

1.0 PARCEL UPDATES

PARCEL B APRIL 2004 ACTIVITIES

- Submitted draft final work plan with responses to comments (RTC) for follow-on soil vapor extraction (SVE) treatability study work plan.
- Submitted draft Parcel B petroleum hydrocarbon corrective action plan (CAP) addendum.
- Continued post-injection groundwater monitoring for the Ferox injection treatability study at Building 123.

PARCEL B MAY 2004 – JUNE 2004 ACTIVITIES

- Continue post-injection groundwater monitoring for the Ferox injection treatability study at Building 123.
- Begin implementation of SVE work plan following resolution of agency comments on draft final work plan.
- Prepare and submit final annual/October – December 2003 quarterly groundwater monitoring report with RTCs.
- Continue preparation of a construction summary report (CSR) addendum that will present information for excavations not included in the draft CSR. Continue preparation of the final CSR with replacement pages and RTCs.
- Finalize human health and ecological risk assessment methodologies. Continue preparation of technical memorandum to support the proposed record of decision amendment.

- Begin preparation of draft CAP addendum, pending receipt and resolution of agency comments.

- Perform groundwater sampling per basewide groundwater monitoring SAP.

PARCEL C APRIL 2004 ACTIVITIES

- Submitted final work plan for sequential anaerobic/aerobic bioremediation treatability study in Building 134 with RTCs. Begin anaerobic injections and groundwater circulation.

- Submitted underground storage tank (UST) closure request and documentation.

- Continued preparation of RTCs for the final Parcel C groundwater summary report.

PARCEL C MAY 2004 – JUNE 2004 ACTIVITIES

- Perform water sampling following resolution of Dry Dock 4 work plan comments and coordinate plans for removal of keel blocks.

- Perform groundwater sampling per basewide groundwater monitoring SAP.

- Continue anaerobic injections and groundwater circulation for sequential anaerobic/aerobic bioremediation treatability study in Building 134.

- Prepare and submit RTCs for the final Parcel C groundwater summary report.

- Begin preparation of RTCs and supplemental information for UST closure request and documentation, pending receipt and resolution of agency comments.

- Prepare and submit RTCs for waste consolidation report, pending receipt and resolution of agency comments.

- Continue preparation of work plan for Phase II treatability study using zero-valent iron at remedial unit C4.

PARCEL D APRIL 2004 ACTIVITIES

- Submitted RTCs for the TCRA action memorandum. Continued TCRA soil and stockpile removal field work.

- Submitted UST closure request and documentation.

PARCEL D MAY 2004 – JUNE 2004 ACTIVITIES

- Perform additional sampling per basewide groundwater monitoring SAP.

- Prepare and submit RTCs for the TCRA work plan, pending receipt and resolution of agency and public comments. Continue TCRA soil and stockpile removal field work.
- Begin preparation of RTCs and supplemental information for UST closure request and documentation, pending receipt and resolution of agency comments.

PARCEL E APRIL 2004 ACTIVITIES

- Submitted metal reef/slag removal action site characterization work plan.
- Continued monthly gas monitoring at the industrial landfill. Submitted final February 2004 landfill gas monitoring report. Began preparation of final March 2004 gas monitoring report.
- Conducted annual comprehensive site compliance evaluation for the Installation Restoration (IR) Site 01/21 storm water program. Recorded non-storm water visual observations at the industrial landfill.
- Continued preparation of RTCs for the final Parcel E groundwater summary report.
- Continued operation of groundwater extraction system at industrial landfill.

PARCEL E MAY 2004 – JUNE 2004 ACTIVITIES

- Perform groundwater sampling per basewide groundwater monitoring SAP.
- Prepare and submit RTCs for draft landfill extent report.
- Prepare and submit final landfill cap removal action closeout report with RTCs.
- Prepare and submit final landfill liquefaction potential report with RTCs.
- Prepare and submit draft shoreline characterization technical memorandum.
- Prepare IR-02 removal action work plan (to be performed under the basewide radiation removal action). Begin implementation of work plan.
- Prepare action memorandum and work plan for removal of soil containing polychlorinated biphenyls.
- Prepare and submit RTCs for final Parcel E groundwater summary report.
- Prepare and submit final landfill gas closeout report, pending receipt and resolution of agency comments.

- Record monthly storm water visual observations at the industrial landfill during rain events. Begin preparation of annual report for landfill storm water discharge management program.

- Prepare and submit RTCs for waste consolidation report, pending receipt and resolution of agency comments.

- Continue monthly gas monitoring at the industrial landfill. Prepare and submit final March 2004 landfill gas monitoring report and final January 2004 landfill gas monitoring report. Continue preparation of final interim landfill gas monitoring and control plan and final April 2004 landfill gas monitoring report. Begin preparation of final May and June 2004 landfill gas monitoring reports.

- Prepare interim data analysis report for the standard data gaps investigation.

- Begin implementation of metal reef/slag removal action work plan.

- Continue operation of groundwater extraction system at industrial landfill.

PARCEL F APRIL 2004 ACTIVITIES

- Continued preparation of draft final validation study report with RTCs.

PARCEL F MAY 2004 – JUNE 2004 ACTIVITIES

- Prepare and submit draft final validation study report with RTCs.

2.0 SCHEDULE

This section presents meetings and deliverables conducted and planned during this reporting period.

Activities Conducted	Date
Submitted draft final work plan with RTCs for follow-on SVE treatability study	April 9, 2004
Submitted final February 2004 landfill gas monthly monitoring report	April 9, 2004
Submitted draft Parcel B CAP addendum	April 15, 2004
Submitted Parcel D UST closure request and documentation	April 16, 2004
Submitted draft metal reef/slag removal action site characterization work plan	April 19, 2004
Submitted Parcel C UST closure request and documentation	April 20, 2004
Submitted final community involvement plan with RTCs	April 21, 2004
BCT monthly meeting	April 21, 2004
RAB meeting	April 22, 2004
Submitted final sequential anaerobic/aerobic biological treatability study at Building 134 with RTCs	April 30, 2004

Activities Planned	Date
Submit final March 2004 landfill gas monthly monitoring report	May 6, 2004
Submit RTCs for Parcels C and E final groundwater summary reports	May 12, 2004
Submit IR-02 removal action work plan	May 14, 2004
BCT monthly meeting	May 26, 2004
RAB meeting	May 27, 2004
Submit final April 2004 landfill gas monthly monitoring report	June 3, 2004
Submit RTCs for draft Parcels C and E waste consolidation summary reports*	June 7, 2004
Submit draft final Parcel F validation study report	June 8, 2004
Submit final landfill gas removal action closeout report	June 17, 2004
Submit final annual/October – December 2003 quarterly groundwater monitoring report	June 18, 2004
Submit RTCs for Parcel D TCRA action memorandum	June 21, 2004
BCT monthly meeting	June 23, 2004
RAB meeting	June 24, 2004
Submit final January 2004 landfill gas monthly monitoring report	June 24, 2004
Submit January to March 2004 groundwater monitoring data package/field summary report	June 24, 2004
Submit draft Parcel E shoreline technical memorandum	June 25, 2004
Submit draft Parcels C, D, and E CAP Revision 2	June 25, 2004
Submit final landfill cap removal action closeout report	June 2004
Submit RTCs for landfill extent report	June 2004
Submit landfill liquefaction potential report with RTCs*	June 2004

Note:

* Document submittal pending receipt and/or resolution of BCT comments

3.0 OTHER

- The Navy submitted the draft final HRA volume II on February 25, 2004. The final HRA is scheduled for submittal in August 2004, pending receipt and resolution of agency and public comments.

- The Navy submitted the draft base realignment and closure (BRAC) business plan on April 2, 2003. The Navy and regulatory agencies are working to resolve comments on the draft BRAC business plan. Due to disagreements on content and approach, the Navy anticipates re-issuing the BRAC business plan in the fall of 2004.

- The draft community involvement plan (CIP), formerly referred to as the community relations plan, was submitted on June 6, 2003. The BCT and public review period for the draft CIP was extended until August 12, 2003. The draft final CIP was submitted on October 2, 2003. The Navy submitted the final CIP with RTCs on April 21, 2004.

- The Navy submitted the draft basewide groundwater monitoring program SAP on December 18, 2003. The final SAP is planned for submittal in July 2004, pending receipt and resolution of agency comments. Additional monitoring wells were installed and the first quarter of groundwater sampling at Parcel B completed in March 2004. The second quarter of basewide groundwater sampling will begin in May 2004. The January to March 2004 groundwater monitoring report is scheduled for submittal on June 24, 2004.

- The Navy conducted a basewide inventory of stockpiles at HPS. The Navy completed this inventory and continued to evaluate necessary response actions in December 2003, which will be included in the Parcel D soil removal action.

- The Navy received concurrence from the Regional Water Quality Control Board (RWQCB) on the proposed process for evaluating petroleum hydrocarbons in soil. The addendum to the Parcel B CAP was submitted on April 15, 2004, and the draft CAP for Parcels C, D, and E is scheduled for submittal on May 28, 2004.

- The Navy submitted the draft final Parcel A Finding of Suitability to Transfer (FOST), Revision 2 on March 19, 2004. Additional radiation surveys are being performed in Building 322. The Navy is planning to submit the draft final FOST, Revision 3 in August 2004.

RAB Economic Committee 5-04-04/Report

Introductions

Presentation by Mark Gelsinger

The Newly Released Scopes of Work

Hazwopper Training

Trucking Questions/Concerns

Questions about Future Contracting

Discussion of Items not on the Agenda

Next Economic Committee Meeting, June 2nd, at 2:30pm, Anna Walden Library

MEC

From: Gelsinger, Mark A CIV BRAC Dept, (EFDSW) [mark.gelsinger@navy.mil]
Sent: Wednesday, May 26, 2004 11:27 AM
To: mecsoft@pacbell.net
Subject: FW: Trailer Layout

trailer layout.pdf
(368 KB)

Good morning, Maurice:

The Hazwopper 40-Hour Training will take place on June 5th-6th and 12th-13th at the TtFWI Trailers (New World Technology Trailers) on the base. We will have 33 truckers in the training, which is outstanding.
The attachment shows the room layout -- we have to do the best we can with the space we have, but it looks pretty roomy and pretty good.

We can discuss this more at next Tuesday's meeting, but I wanted to make you aware that the following people will attend the training --- TtFWI has confirmed that each of these folks will attend with telephone calls:

4 - Eighteen Trucking Company (Confirmed)

Rodolfo Rodriguez
Mark Gilmore
Jerome
Armando Gomez

4 - Mongoose Trucking Company (Confirmed)

Allen Mims
Timothy Eckford
Channel Mims
Remy Mims (part-time)

8 - Feely Trucking (Confirmed)

Martin McCullagh
Ron Tolentino
Howard Brown
Cory Hamrick
Drewek Dahl
Kevin Leung
John Trood
David Woodward

3 - Al Curry Trucking (Confirmed)

Charles W. Walker, Jr.
Tyrone McGraw
Robert Johnson

5 - Domingue Trucking (Confirmed)

Robert Domingue Jr
Gus Gains
Robert Davis
Marvel Parham
Ivan Gippius

6 - Shamonte Trucking (Confirmed)

Alfredo Alvarez
Adam Dong
Jesus Taredes
Ronnie Wolfe
Jose Garcia
David Spikner

5 - (Via Mark & Neil: Jesse Mason's list)

Harmon Trucking
Bill Harmon - Confirmed

Johnny on the Spot Trucking
Robert Ivy - Confirmed
Peggy Ivy - Confirmed

Please call me at (619) 532-0978 if you have any questions. Thank you, Maurice.

Sincerely,

Mark

-----Original Message-----
From: EHart@TtFWI.com [mailto:EHart@TtFWI.com]
Sent: Wednesday, May 26, 2004 11:17
To: Gelsinger, Mark A CIV BRAC Dept, (EFDSW)
Cc: WWilliams@TtFWI.com; gslattery@TtFWI.com
Subject: Fw: Trailer Layout

Mark,
We are not using the trailer right across from our main trailer. We are using the New World trainer which is cleaner and has more room. Attached below is a rough drawing of how we're going to lay out the space for the 40-hour training on Jun 5th and 12th. Bill Williams will set it up each Friday before the Saturday event since it starts a 0700. Bill has it under control. Thanks. Neil
----- Forwarded by Edwin Hart/RMPM/CSQ on 05/26/2004 11:12 AM -----

David Cassell/RMPM/CSQ
05/26/2004 08:19 AM

To: Edwin Hart/RMPM/CSQ@CSQ
cc:
Subject: Trailer Layout

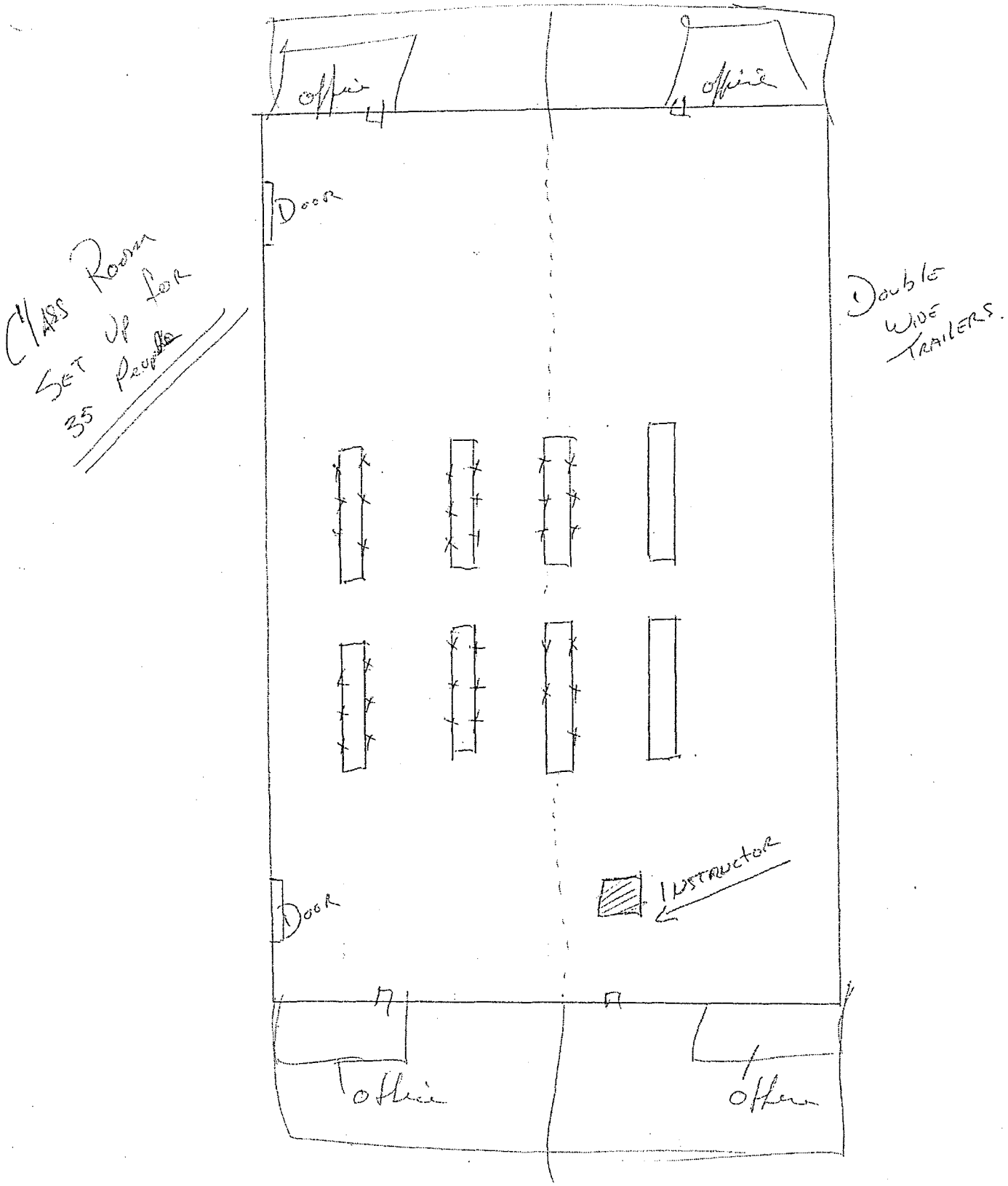
From Bill:

A sketch of the trailer layout....

(See attached file: trailer layout.pdf)

David Cassell
Administrative Assistant / Remediation Technician Hunter's Point Shipyard / San Francisco, CA
(415) 671-1990

Neil Hart.



Class Room Set Up for 35 People

Double Wide Trailers.

HPS Membership/Bylaws & Community Outreach (MB&CO) Subcommittee Meeting Notes
Meeting Minutes for 12 May 2004, 6:30-8 p.m.
Anna Waden Library

*Note**These minutes are not verbatim but through summarization reflect the issues and statements made during the meeting. These notes were taken by Debra Moore.*

The Subcommittee meeting was called to order by Melita Rines, Restoration Advisory Board (RAB) member and Subcommittee Leader, at 6:37 p.m. Keith Tisdell was also in attendance as a RAB member. Additional attendees included, Keith Forman, Navy RAB Co-Chair and Pat Brooks, Navy Lead Remedial Project Manager (RPM). Also in attendance were Don Capobres and Nicole Franklin, San Francisco Redevelopment Agency (SFRA); Jackie Lane, US EPA; Lieutenant Al Pardini and Captain Jim Dudley, San Francisco Police Department (SFPD) and Ronald Keichline, Innovative Technical Solutions, Inc. (ITSI). Topics on the agenda: (1) SFPD, (2) Membership and Bylaws/Community Outreach

DISCUSSION REGARDING SFPD LEASE AGREEMENT

SFPD expressed that they don't have terms yet because SFRA is waiting on the Navy to come up with new rent figures within the next month or two. After this has been completed, then SFPD will know how to proceed.

Melita expressed that the RAB had concerns regarding the previous terms to include: rent credits, the bicycle repair plan, midnight basketball and increased police patrol out of the Shipyard. Ms. Franklin, SFRA stated that they have not negotiated the lease but that the previous rent credits were not for the previously listed services but for two different sets of services. One of the rent credit issues was about SFPD coming in and out of the base and the other was for the industrial hygienist.

Previously, there was a Memorandum of Understanding (MOU) between SFPD and the community. Promises were made between the community and SFPD that SFRA has no enforcement on and the items never should have been included in SFPD's lease agreement. From a lease negotiation standpoint, SFRA cannot administer things that a police department promises to a community. It will be up to SFPD and the community to come up with some type of agreement on what the community would like. SFRA plans on making a straight lease with SFPD and not looking to negotiate the community issues on the next lease. As far as special issues from the community being added to the lease, SFRA will meet with SFPD and see if they can work with them. It also depends on what has been proposed.

Going forward, the Navy is looking to adjust some of the rental rates for tenants at the Shipyard. These rates are being considered for adjustment to include common area and utility charges. Because these rates are being considered for adjustment, it wouldn't make sense for SFRA to negotiate rental rates and other charges if it's going to change once the Navy does their analysis. SFRA is waiting on updates from Patricia McFadden and Anne Klement, of the Navy, before they proceed further with these rates. This will be a sublease between SFRA and SFPD. There is a Master Lease between the Navy and SFRA. Until SFRA understands the terms of the Master Lease it wouldn't be practical to finish negotiating with SFPD.

Mr. Tisdell expressed that he wanted assurance that SFPD would comply with the canceling of maneuvers on Parcel A. SFPD stated that training was previously allowed under the lease but has since been canceled and all communication problems have been corrected. Captain Dudley will enforce the new rules. Lifeflights are the only helicopters that land at the Shipyard. They provide service to San Francisco General Hospital (SFGH). There is currently a grant that allows for a helipad to be built at SFGH in the near future. Until that time comes, they will continue to land at the Shipyard as it's the closest helipad to SFGH.

Melita expressed the concerns of the community regarding squad cars speeding in and out of the Shipyard. It was also expressed that squad cars do nothing about the blatant traffic violations that occur on the street leading to the Shipyard. Because of this disregard the neighbors don't want the police back at the Shipyard

because they don't see a change and they don't see the point of them being there. It was suggested that speed bumps be placed on the street.

The police will be at the July meeting scheduled for Wednesday, July 14th at 6:30. RAB would like SFPD to discuss with the community what they would like to do beside the midnight basketball.

COMMUNITY OUTREACH UPDATE

ITSI provided a written update on outreach efforts completed by them.

RAB MEMBERSHIP BYLAWS AND REAPPLICATIONS

There have been two re-applications: (1) Marie Franklin as a local business, community based non-profit and environmental; (2) James Morrison as a Resident-at-Large. It was moved that they be recommended for membership to be voted on at next RAB meeting.

Discussion ensued on how to emphasize to RAB members the importance of attendance so that the issue of being taken off the RAB does not occur again. It was discussed that clarity in the bylaws be made to clear up any confusion on what calendar year means, per the RAB Bylaws. It was also suggested to include in the bylaws, the intent of the rule and that is to ensure that individuals attend the meeting. It was stated that the bylaws will be reworded at the September RAB meeting.

Procedural Change: It has been suggested, that a "Courtesy Letter" be sent to all RAB members who have missed 3 meetings within the stated time limits. As ITSI handles the attendance record, they will compose and forward the appropriate individuals these letters and cc Melita. This change will be instituted immediately.

ADDITIONAL DISCUSSION

The next Membership Bylaws and Community Outreach Subcommittee meeting will be held Wednesday, 14 July 2004 from 6:30 – 8:00 p.m. at the Anna Waden Library.

The meeting adjourned at 8:10 p.m.

MB & CO SUBCOMMITTEE MAY 2004 ACTION ITEMS

1. ITSI to prepare courtesy letters to RAB members
2. ITSI to work on new language for HPS RAB Bylaws and get it back to Melita
3. SFPD will attend July MB&CO meeting to discuss their future plans regarding the community

COMMUNITY OUTREACH UPDATE

ITSI received the All Hallows resident mailing list and have included them in the HPS database. All fact sheets and newsletters will now go to them.

In a continuing effort to outreach to the HP community, the Navy and its contractors have attended various Town Hall meetings. The first of the Town Hall meetings was for the Samoan community on 1/24/04. The Navy provided a 10 minute presentation on the activities taking place at the Shipyard. ITSI and the Navy also attended a Town Hall meeting sponsored by Citizens Alliance of Portola and Silver Terrace (CAPS) on 2/26/04. This endeavor was to reach out to the Asian community. Handout materials included translated fact sheets and newsletters (Chinese, Tagalog, and English) were provided, and representatives from the Navy and ITSI were available to answer questions. The Navy also provided a 30-minute presentation at the Residents of the Southeast Sector (ROSES) on 4/1/04. The presentation was primarily focused on the environmental cleanup efforts at the Shipyard for 2004-2005.

ITSI is currently outreaching to various homeowner, neighborhood, and resident/tenant associations in the Bayview-HP community. Calls and e.mails have been made to the Bayview Hunters Point Coordinating Council; Bayview Hill Neighborhood Association; Potrero Hill Boosters Neighborhood Association; Mission Creek Harbor Association; Friends of Islais Creek; Hunters Point A West; Mariners Village, India Basin Neighborhood Association, Shoreview Residents, and Morgan Heights to name a few.

There have been numerous calls made to various CBOs and elected officials regarding our outreach efforts. We have spoken to representatives at Sophie Maxwell's office, Liaisons to the Mayor's office Joseph Flood and Tyrone Jew, as well as city representatives.

Efforts are continuous on outreach to the Asian American, African American and Hispanic communities.

In summary, outreach efforts are still under way. As of today, ITSI is still attempting to schedule a 1/2 hour presentation with the homeowners, neighborhood, and/or resident/tenant associations, but are finding it difficult to get responses from the points of contacts. We have been provided with a tentative presentation date for the Bayview Hill and Candlestick Point Neighborhood Associations. We are also attempting to establish the points of contacts and contact numbers for a few of the organizations. We've gotten several leads of CBOs that cater to a particular group; however, getting those leads to follow up with us has been a challenge. We will continue to follow-up on all calls and e.mails made until we are satisfied that every effort has been exhausted.

Technical Review Subcommittee
April 13, 2004 Meeting Summary
Topic: Parcel A Finding of Suitability to Transfer

Attendees: Lynne Brown, Maurice Campbell, Kevyn Lutton, Sherlina Nageer (LEJ), Lea Loizos, Cian Dawson (Arc Ecology), Linda Carlsen, Michael Work (US EPA), Amy Brownell (SF Department of Public Health), Don Capobres (SF Redevelopment Agency), Matt Shaps (Paul Hastings/Lennar), Keith Forman, Patrick Brooks, Charles Mazowiecki

The purpose of the meeting was to provide a forum for discussion between the community, the Navy, the regulators, and the City on the transfer of Parcel A.

The meeting began with a summary from Keith Forman about how Parcel A arrived at the point of being ready for transfer. The Record of Decision (ROD) for Parcel A was signed in 1995. The ROD is part of the CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) process. It is the contract between the Navy, the United States Environmental Protection Agency (EPA), and the California EPA that lays out the standards and procedures that will be used to implement the cleanup that was chosen in the Proposed Plan. The Finding of Suitability to Transfer (FOST), on the other hand, is not a CERCLA document. It was created by the Department of Defense as part of the cleanup and transfer process for closed military facilities.

Mr. Forman noted that the FOST for Parcel A is fairly basic because it required no remedy. The conclusion of the FOST can be summarized as saying, based on everything we know and all past actions, we've taken every action necessary (as far as we know) to make it safe for transfer and to protect human health and the environment. There is a warranty in place: if something was missed and contamination is found that is determined to be due to a Navy release, the Navy will come back to clean it up.

Amy Brownell pointed out that the FOST brings all of the issues together and covers more than the CERCLA documents, including petroleum, asbestos, underground storage tanks, and lead-based paint.

Lynne Brown asked if the changes that were made to the Parcel A boundary are in the document. Mr. Forman explained that the boundary changes are noted in the document. He pointed out that parcel boundaries are arbitrary and are purely an administrative tool. Parcel boundaries are not covered by law.

Mr. Brown asked why there was no EIR (Environmental Impact Report) prepared for this. An EIR is a requirement of NEPA (National Environmental Policy Act). Don Capobres explained that a final EIR was completed in February of 2000. Mr. Brown expressed concern that the EIR did not adequately address the landfill area since the fire occurred after the document was written. Maurice Campbell brought up presidential executive order 12898, which addresses traffic impacts to environmental justice communities. He pointed out that the EIR hasn't been updated to include these impacts. There was some discussion about the need for a supplemental EIR but the group decided

to table that conversation for another meeting with the appropriate people from the City to discuss these issues.

There was some discussion about Proposition P and what is meant by unrestricted reuse. Ms. Brownell stated that unrestricted could mean unrestricted industrial, unrestricted open space, etc. Lea Loizos stated that her understanding of unrestricted reuse meant residential use.

Kevyn Lutton said that she was confused about the stated purpose of the FOST and asked if there was no concern for adjacency issues. Mr. Forman stated that it was not a function of the FOST to address these issues; however, the Navy and regulators are sensitive to these concerns. The Navy felt that Parcel A was not ready for transfer in 2002 because a draft final Historical Radiological Assessment had not been prepared and the landfill gas issue had not been addressed. Both of these concerns have now been dealt with. Mr. Brown asked if the landfill gas is mentioned in the FOST and the Navy replied that it is.

Mr. Forman explained that the Navy is not saying that landfill gas is not a concern, because it's an ongoing concern. The Navy is saying that they are managing the situation effectively. The Navy feels they've addressed the concerns on Parcel E by managing the problem such that it doesn't affect Parcel A.

Mr. Campbell asked what the Integrated Waste Management Board's requirements are for residences within a certain range of a landfill. The Navy stated that a generic letter has been sent to the City with the Board's suggestions. The Board suggests having a passive venting system between the landfill and any homes built within 1000 feet of the landfill.

Charles Mazowiecki (Maz) then gave an update on the landfill gas monitoring and control system. He said that a total of 32 gas monitoring probes have been installed to monitor gas migration. The Navy is going to ensure that methane does not go above 2% methane by volume at the wells along the fence line. There are now 13 wells on Crisp Avenue that are 100 feet apart. No methane has ever been detected on Crisp Avenue.

Concerns were raised by Mr. Campbell about a brake in power generation and asked how long it will take methane to migrate off-site. The Navy replied that it previously took several days before methane concentrated in the trench. Now it takes several weeks for there to be detectable concentrations in the wells. Mr. Campbell brought up concerns about fractures in the barrier wall after a seismic event and the existence of other possible pathways such as storm drain lines. The Navy explained that they purposely put wells in the storm drain to make sure it wasn't acting as a conduit. There were also no lines encountered during the installation of the barrier wall, which is 17 feet deep.

The issue of lead-based paint and asbestos on Parcel A was raised. The Navy replied that Lennar is fully aware of the need to handle lead-based paint and asbestos during deconstruction and before redevelopment. This is included in the Parcel A FOST.

Technical Review Subcommittee
May 18, 2004 Meeting Summary
Topic: Draft Interim Landfill Gas Monitoring and Control Plan

Attendees: Lani Asher, Kevyn Lutton, Lea Loizos, Cian Dawson (Arc Ecology)

The purpose of the meeting was to review the Draft Interim Landfill Gas Monitoring and Control Plan that is currently out for review and to develop comments, if necessary, to forward to the Navy.

The Navy has prepared an interim monitoring and control plan for landfill gas to be used until a final remedy for the landfill is in place. A summary of the document was prepared by Lea Loizos for the meeting. (A copy of the summary is attached to this summary.) The group reviewed the document summary to understand the basic purpose of the plan and the regulations that are guiding it. The goal is to prevent methane gas with concentrations exceeding 5% by volume from migrating off of Navy property (north of the landfill), as required by Title 27 of the California Code of Regulations (CCR). Title 27 also requires that trace gases (other landfill gases) be controlled to prevent adverse acute and chronic exposure to toxic and carcinogenic compounds.

To meet the requirements, the Navy has developed a monthly monitoring program for various sets of monitoring wells. A plan has been developed for each of the following areas: fence line and UCSF gas monitoring probes (GMPs); the crawlspace of building 830; surface monitoring in specific areas on the UCSF compound; on-site utilities; and the Crisp Avenue GMPs. The group reviewed the flow charts provided in the document that explain the monthly monitoring criteria for each of these areas (see Figures 13 – 18).

The subcommittee came up with the following questions and comments to forward to the Navy regarding the monitoring plan:

1. According to Figures 13 and 17, action will be taken if non-methane organic compounds (NMOCs) measured as total volatile organic compounds (VOCs) exceed 500 parts per million by volume (ppmv) at the fence line, UCSF, and Crisp Avenue GMPs. The figures indicate that samples will be collected and analyzed for VOCs if NMOCs exceed 500 ppmv. We are unclear about the type of samples that will be taken, how they will be analyzed, and the type of modeling that will be done to estimate potential health threats. Please provide more details on the VOC sampling in the monitoring and control plan.

2. We found the flow charts for monitoring at the building 830 crawlspace, at surface areas, and in on-site utilities to be confusing. According to Figures 14, 15, and 16, methane above 1% by volume will be the initial trigger for action in these areas. If methane is detected above 1% in any of these areas, the area will be ventilated and monitored again the next day. At that point, according to the flow charts, if methane is above 1.25% by volume, the Integrated Waste Management Board and the Base Cleanup Team will be notified within 5 days and the Navy will return to monthly monitoring. It does not make sense that the Navy will return to monthly monitoring if

the levels increase after 24 hours. Please clarify this section of the plan. We believe that more frequent monitoring should be required in these areas if the action levels are exceeded for more than 24 hours.

3. For all of the monitoring stations, if levels above the action levels are detected, the Navy plans to notify the Integrated Waste Management Board and the Base Cleanup Team within 5 days of beginning any required action. When will the community be informed of actions taken to prevent landfill gas migration? We would like to suggest providing updates on a monthly basis at the RAB meetings to keep the community members informed about the successes and failures of the landfill gas control system.

4. Finally, we have also reviewed the comments of the US EPA and share their concerns about the action levels that were chosen for non-methane organic compounds and methane at off-site locations. We encourage the Navy to ensure that the action levels chosen are truly protective of human health.

Summary of *Draft INTERIM LANDFILL GAS MONITORING AND CONTROL PLAN Parcel E, Industrial Landfill, Hunters Point Shipyard, San Francisco, California*, dated March 19, 2004

Taken directly from document text:

Section 1.0 - Introduction (pages 1-2)
This MCP will be used before finalizing the landfill remedy in a record of decision.
This MCP describes the monitoring of landfill gas and the operation of the control system until the final remedy is constructed at the landfill.
This MCP has been developed to accomplish three primary objectives:

1. Provide landfill gas monitoring and control procedures using 27 CCR as guidance
2. Provide an operations and maintenance (O&M) manual for the landfill gas control system for use by field technicians
3. Address the sampling and analysis quality assurance (QA) requirements of the Navy.

The SAP and addendum include specific monitoring procedures for the sampling and laboratory analysis of non-methane organic compounds (NMOC) found in landfill gas based on the draft final SAP.

Section 1.1 – Purpose of the Monitoring and Control Plan (page 2)
This MCP has two main purposes:

1. Establish an interim landfill gas monitoring plan using the landfill gas monitoring requirements of 27 CCR as guidance to prevent methane gas with concentrations exceeding 5 percent by volume from migrating away from the landfill site to the UCSF compound or further north to Parcel A.
2. Establish guidelines for operating the landfill gas control system by comparing monitoring data with trigger levels for active operation of the system.

Methane poses an explosive hazard at concentrations between 5 and 15 percent by volume in air. Following the procedures outlined in this MCP helps to ensure that methane does not migrate off site at concentrations above 5 percent by volume in air, the lower explosive limit (LEL) for methane. Additionally, landfill gas may contain trace amounts of NMOCs that could degrade air quality. However, based on vapor intrusion modeling using U.S. Environmental Protection Agency's (EPA) Johnson and Ettinger model (EPA 2003), there was no indication of unacceptable risk to human health from NMOCs (Tetra Tech 2004).

Section 1.2 – Background (pages 3-4)
This MCP addresses the perimeter of the Parcel E Industrial Landfill, including the UCSF property and Crisp Avenue (Figure 2), where methane was detected at concentrations exceeding 5 percent by volume in air. Methane concentrations at the eastern and southern side of the landfill ranged from 0 to 0.4 percent by volume in air; therefore, immediate action was not required. As a result, these areas will be addressed as part of the final remedy for the landfill.

Within this plan, the term "UCSF compound" is used to describe the portion of the UCSF property enclosed by their fence.
A portion of the Parcel E landfill extends onto the unused southern portion of the UCSF property but remains south of the existing fence line between the landfill and the UCSF compound. The fence line is presently being used as the compliance boundary for monitoring of landfill gas.

Section 1.3 – Regulatory Framework (pages 4-6)
The monitoring and control of landfill gas is regulated by 27 CCR. Additional guidance is provided in Bay Area Air Quality Management District (BAAQMD) Rule 34.
Title 27 CCR Section (§) 20921 has the following three performance standards for landfill gas control at closed landfills:

1. Concentrations of methane gas must not exceed 1.25 percent by volume in air within on-site structures.
2. Concentrations of methane gas migrating from the landfill must not exceed 5 percent by volume in air at the facility property boundary or an alternative boundary approved in accordance with §20925.
3. Trace gases shall be controlled to prevent adverse acute and chronic exposure to toxic and carcinogenic compounds.

The first two requirements have clear criteria. The third requirement is addressed in the BAAQMD Rule 34, which limits emission of methane and NMOCs from the surface of the landfill to 500 parts per million by volume (ppmv) above background, measured as methane, to prevent adverse health effects. This method assumes that 1 percent of the value measured as methane, or 5 parts per million (ppm), is NMOCs. In addition, BAAQMD Rule 34 requires that NMOC emissions from landfill gas control systems remain below 120 ppm.
*See Table 2 for CCR Title 27 requirements for monitoring probe network.
Design requirements for landfill gas control system:

- The gas control system shall be designed to prevent methane accumulation in on-site structures.
- The gas control system shall be designed to reduce methane concentrations at monitored property boundaries to below compliance levels.
- The gas control system shall be designed to reduce trace gas concentrations.
- The gas control system shall be designed to provide for the collection and treatment and/or disposal of landfill gas condensate produced at the surface. Condensate generated from gas control systems shall not be recirculated into the landfill.
- Subsurface gas control systems may include, but are not limited to, one or more of the following:

  - Active perimeter or interior control systems which are designed to accommodate the maximum expected flow rate from the disposal site, and provide access for system monitoring and flow rate adjustment. The control system shall be operated to ensure that gas is controlled at a sufficient rate without overpulling, to maximize control and not production.
  - Passive systems, including cutoff trenches, slurry walls, and vent trenches, when used, shall be constructed with an impermeable geomembrane liner. The passive

systems shall be installed to the depth of permanent low seasonal groundwater or keyed into a low permeability layer below the limit of migration.

Section 2.1 – Site Characteristics (pages 6-9)
(This section provides history of filling and contents of fill material in the Parcel E landfill.)

Section 2.2 – Preferential Gas Pathway Analysis (pages 9-13)
The amount of gas pressure within a landfill is dependent on the rate of gas generation during decay of organic material. In operating and recently closed landfills, the rate of gas generation is relatively high. Whereas, at sites that have been closed for 30 years or more, the rate of gas generation is low.
The landfill received industrial and municipal type waste from the 1950s to the early 1970s. Therefore, the waste has been in the landfill for approximately 30 to 50 years. Peak production of landfill gas generally occurs during the first few years of placement of waste in the landfill cell. Thereafter, gas generation steadily decreases with time. Waste that was placed over 25 years ago usually produces low amounts of landfill gas. Landfill waste of this age has already experienced the majority of degradation of organic waste that results in the generation of methane gas. Although the primary migration mechanisms at HPS are expected to be diffusion and dispersion because of the landfill's age, barometric pressure changes may cause advective movement of landfill gas.
(Section 2.2.3 discusses likely direction of LFG movement in Parcel E landfill based on fill composition.)
Several potentially abandoned storm lines run north from the present waste areas toward Crisp Avenue. These storm lines may have been removed or abandoned in place; however, trench backfill may have been left in place, thereby providing a potential pathway for the migration of gas. If gas does migrate into the soil under Crisp Avenue, it is more likely to be discovered in the utility trenches than elsewhere in this type of fill.

Section 2.3 – Data Quality Objectives (page 13)
*See Tables 4 thru 6 for data quality objectives.

Section 3.0 – Monitoring Plan

Section 3.1 – GMP Location Rationale (pages 14-17)
GMPs were installed along the fence line north of the landfill to monitor the migration of landfill gas at the fence line between the landfill and the UCSF compound. GMPs were installed west of the landfill to monitor the migration of landfill gas toward structures west of the landfill. GMPs were also installed on the UCSF compound to monitor that landfill gas previously detected under the asphalt pavement. [...] GMPs were installed along Crisp Avenue to monitor the potential for landfill gas to migrate through a manmade utility corridor under Crisp Avenue.

The compliance monitoring network includes GMP01 through GMP12, GMP20, and GMP21. Initially, GMP01 through GMP12 were installed based on methane field results during the soil gas survey conducted as part of the nonstandard data gaps investigation (Tetra Tech 2003d), which indicated the presence of methane along the northern side of the landfill.

GMP20 and GMP21 were installed along the western landfill boundary, south of the termination of the gas control system to monitor methane migration toward structures west of the landfill. Methane has not been detected at these probes, indicating that westward gas migration is not occurring south of the control system.
Although a portion of the landfill is presently located on the UCSF property, the fence line is presently considered the landfill boundary for purposes of methane monitoring.

GMP22 through GMP26 were installed within the UCSF compound during the TCRA, primarily to monitor the active extraction system while methane was removed from beneath the UCSF compound.

Seven GMPs (GMP13 through GMP19) were installed to investigate further the possible extent of landfill gas migration toward Crisp Avenue, north of the landfill. The location of these GMPs was based on (1) a review of the existing utility drawings and (2) the results of the soil-gas survey conducted in April 2002 (Tetra Tech 2003d). All of the GMPs on Crisp Avenue are located north of any soil-gas survey points that detected methane, and to date no methane has been detected in any GMPs along Crisp Avenue. Figure 7 also shows the utility conduits being monitored by GMP16. All known pathways that may allow landfill gas to migrate past Crisp Avenue are being monitored, and methane has not been detected in these pathways.

Section 3.3 – Rationale for Structural and Surface Monitoring Locations (page 17)
Title 27 CCR §20931 stipulates that the concentration of methane gas generated by a landfill must not exceed 1.25 percent by volume in air (25 percent of the LEL) within on-site structures. No methane has been detected in ambient air within the UCSF compound since completion of the landfill gas TCRA. However, as an extra precaution the crawlspace for Building 830 and three surface monitoring locations will be monitored. In addition to the locations within the UCSF compound, two drainage inlets along the fence line and groundwater extraction well vaults south of the landfill will be monitored. Figure 2 shows all monitoring locations.

Section 3.5 – Monitoring Plan Design (pages 19-21)
This MCP includes monitoring strategies for the GMPs at the fence line, the GMPs on the UCSF compound, the crawlspace under Building 830, surface emissions from utilities, and GMPs along Crisp Avenue. Flow charts (Figures 13 through 18) were developed to show the monitoring frequency, when landfill samples should be collected for laboratory analysis, when the landfill gas control system should be activated, and the reporting requirements for the CIWMB.

Arc Ecology

Environment, Economy, Society, & Peace

May 24, 2004

Keith Forman
BRAC Environmental Coordinator
Southwest Division
Naval Facilities Engineering Command
BRAC Operations
1230 Columbia Street, Suite 1100
San Diego, CA 92101-8517

Re: Draft Final Finding of Suitability to Transfer for Parcel A, Revision 2, Hunters Point Shipyard, dated February 2004.

Dear Mr. Forman:

Thank you for providing Arc Ecology with the opportunity to review the *Draft Final Finding of Suitability to Transfer for Parcel A, Revision 2, Hunters Point Shipyard*, dated February 2004. Our comments are below.

1. **There are carcinogenic and non-carcinogenic health risks above EPA's acceptable levels at the majority of IR and SI sites on Parcel A largely due to elevated levels of metals in the soil. Arc Ecology believes strongly that risks from metals in soils at Parcel A should be disclosed in the Finding of Suitability to Transfer (FOST) to allow future owners of the property to make informed decisions about the use of the property.** According to Section 6, the Notice of Hazardous Substances, "There are no known releases of hazardous substances at Parcel A at a quantity greater than or equal to the CERCLA reportable quantity" (page 24). While the data provided thus far has not clearly demonstrated that the high levels of metals are a result of Navy activity, the Navy, being fully aware of these risks, has a responsibility to disclose this information in order to fully protect the health of future workers and residents of Parcel A. Indeed, in the response to Arc Ecology's comments on the *Draft Parcel A Finding of Suitability to Transfer, Revision 2, Hunters Point Shipyard, San Francisco, California*, dated March 26, 2002, the Navy agreed to revise the FOST to include the residual risk at Parcel A that was previously presented in the RI and the ROD, however this has not been included. Additionally, an explanation of why the Navy believes they are not responsible for the cleanup of these contaminants under CERCLA should be included.
   Attachment 1 shows the carcinogenic and non-carcinogenic health risks from metals at each of these sites, which have been calculated using both the 1995 and 2002 preliminary remediation goals from Region IX EPA. The risks calculated are for a residential scenario but do not include the risks from the consumption of homegrown produce.

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2. **The Navy should disclose of the possibility of finding additional sandblast grit in the FOST and state that the Navy is responsible for remediating any additional sandblast grit discovered on Parcel A during redevelopment.** During the site inspections and remedial investigation, contaminated sandblast grit was discovered under pipes at IR-59 and beneath two landscaped medians next to building 901 (SI 19). Both of these areas of sandblast grit were removed. However, a comprehensive survey for other areas of sandblast grit on Parcel A was not conducted. The use of sandblast grit as backfill and bedding material was not uncommon on military facilities. For this reason, it seems possible that sandblast grit will be found at other locations on Parcel A.

3. **It is unclear what the regulatory procedure will be for sites that were a part of Parcel A under the ROD that are now located within parcels for which no Record of Decision exists.** As stated in Section 2, the boundary of Parcel A has changed several times since the Record of Decision (ROD) was signed in 1995. Please include an explanation of how these sites will be handled in the future under the CERCLA process.

4. **An explanation of how it was determined that the storm water and sewer system lines in Parcel A are not a part of the Radiological Affairs Support Office's (RASO) recommendation for a radiological survey should be included in the FOST.** According to Section 2, the Historical Radiological Assessment (HRA) recommended a survey for the sanitary sewer main lines along Fisher and Spear Avenues that flow into the pump station and the main line along Crisp Avenue that flows out of the pump station (page 6). However, the recommendation in Section 8 of the draft final HRA for the sanitary sewer system and storm drain lines is less specific. It reads, "Scoping and Characterization Surveys of systems associated with NRDL sites or sites associated with radium use" (pages 8-218 – 8-222). There has been some concern raised by the community about the possibility for radiological contamination in the storm water and sewer system lines in Parcel A. To give greater assurance to the community, an explanation of how it was determined that the storm water and sewer system lines in Parcel A are not a part of RASO's recommendation should be included in the FOST. Preferably, an exemption letter from RASO for the lines that fall within the current Parcel A boundaries should be provided.

5. **It is unclear whether any sampling has been done within the subparcels that straddle two parcels to ensure that the neighboring areas do not impact them.** As described in Section 5, six of the fifteen subparcels from the Environmental Baseline Survey lie either entirely or partially in Parcel A. We are concerned that there are potential data gaps along the parcel borders that divide the subparcels. In particular, we are concerned about subparcels N1A and N3A due to their proximity to IR-18 on Parcel B. IR-18 is a waste disposal area that has not been fully characterized. If the Navy does not feel there are data gaps in these subparcels, please provide adequate justification, such as previous data collected, location of relevant samples, etc.

6. **Difficulties with and weaknesses of the landfill gas control system should be disclosed in the FOST.** In the summary of the landfill gas time-critical removal action, the document states, "Gas control has been primarily achieved by passive venting; however, active extraction is occasionally used to ensure that landfill gas does not migrate north of the

barrier." (Section 5.1.5, page 17) This sentence is not entirely true. Active extraction has been necessary at times because LFG has been detected north of the barrier.

7. **It is important to note that the results of the Johnson and Ettinger modeling have not yet gained regulatory approval.** Section 5.1.5 mentions that this modeling was used to evaluate risks to future residents from exposure to volatile organic compounds in indoor air along Crisp Avenue, however the results have not yet been approved.

8. Please update the FOST to include the latest information about Building 322 before conveying the property.

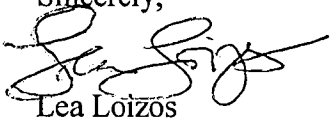
Minor Comments

9. Table 4, which shows the original and updated categorization of each subparcel, should provide the UST, asbestos, and radiation information for all listed buildings, IR sites, and SI sites that are not on Parcel A. As the table is currently laid out, only the sites in Parcel A are rated, giving the reader the impression that the adjacent off-parcel sites carry the same rating, which is often not the case. Please correct the table as necessary to avoid any confusion.

10. Section 5, ECP Area Type 4, page 10: "Soils containing the constituents listed in Table 6 were removed during a site investigation of site inspection (SI) site 19 that is wholly contained within Subparcel H-48A." It is SI 41 that is located within subparcel H-48A. A similar error was made in the discussion of subparcel H-OS, which lists SI 41 as being contained with the subparcel, when it should in fact list SI 19. Please correct the text as necessary.

Arc Ecology appreciates having the opportunity to review this document. If you have any questions about our comments, please contact me at (415) 495-1786 or lealoizos@mindspring.com

Sincerely,



Lea Loizos
Staff Scientist

Cc (electronic):

Michael Work, U.S. Environmental Protection Agency, Region IX
Tom Lanphar, California Department of Toxic Substances Control
Jim Ponton, California Regional Water Quality Control Board, San Francisco Bay Region
Amy Brownell, City of San Francisco, Department of Public Health
Lynne Brown, RAB Community Co-Chair
Scott Madison, CAC Chairperson

Arc Ecology

Environment, Economy, Society, & Peace

Wednesday, May 26, 2004

Mr. Lynn Brown
Community Co-Chair
Hunters Point Shipyard Restoration Advisory Board

Mr. Brown:

I recently received a copy of your email to the RAB regarding Arc Ecology alleged conflict of interest. As a result of its distribution to the full RAB list, I decided to respond formally to your comments.

1. **As to the charge of conflict of interest:** In your email you state – "How can Arc Ecology have the community concerns when they receive money from the developer? (Lennar)" – Lynn Brown 5/24/04. There are two separate answers to this question.

    a. **From a legal perspective:** Arc Ecology has been in ongoing consultation with the San Francisco City Attorney's Office to assure that our fundraising activities do not place us within a conflict of interest situation. Upon receipt of your email, I forwarded it to the City Attorney to ensure that your concern was given a fair review. As recently as this week, I have been advised by the City Attorney's Office that in their judgment, we do not have a conflict of interest and are not in violation of any local or state statutes regarding conflict.

    b. **Perception of conflict:** There is a more common approach to conflict of interest wherein close associations with a particular entity creates the presumption of conflict. This I believe is closer to your concern.

        Arc does not deny that we are in close communication with the City, Redevelopment Agency, the Shipyard's master developer the Lennar Corporation. This does not however automatically taint our perspective. As the President of the Palestinian Authority, Yassir Arafat has oft stated, one cannot negotiate without talking.

        It is also understood that individuals and organizations involved in public policy need to raise funds. Conflict of Interest laws seek to ensure that the funds raised do not influence the actions of decision makers and therefore the actions of government. Neither Arc Ecology nor I am a decision maker in the Shipyard process. Although I am a member of the Hunters Point CAC, and we have a seat

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on the RAB, we like others in this process play an advisory role. So while Conflict of Interest laws apply to us as well, and I have reported the determination of the City Attorney above, I include this observation to place Arc Ecology and myself in our proper context within the process. Nevertheless perceptions are important and it might help if you and others understood the "why and what" regarding the funds we accepted from Lennar.

Arc Ecology was directed by the San Francisco Department of the Environment (SFE) to move our Community Window on the Shipyard Cleanup's storefront from its previous location at the office of the Bayview Advocates. We informed SFE that relocation funds were not identified in our budget and that money would be needed to pay for the associated costs of the move and any necessary site improvements. In response, SFE suggested we ask Lennar for supplementary financial support.

To ensure that we were insulated from the perception of conflict, Arc created a very specific proposal focusing the use of money very directly on facility improvements that would be enjoyed by those Bayview residents using the new Community Window facility at 4634 Third Street. The sum of money Lennar spent on the repairs and improvements to the Community Window office was very small - $16,000. None of it went to salary. All of it went to making improvements aimed at giving BVHP community members a better experience at the Window facility. Funds derived from the Lennar contribution were used to pay for painting, carpeting and lighting the facility. It paid for bookshelves, chairs, the new community access computer, and the open house reception for the dedication of the facility.

Had you inquired directly about how the money was used, we would have been able to show you the invoice, which makes clear that over $13,000 went directly to a contracting project coordinator working for Lennar and none of the money went into the pockets of Arc Ecology or its staff. On the other hand we are proud that with the exception of the coordinating contractor and the carpet laying, all of the workers hired for the project were BVHP residents and that fifty percent of the individuals currently working in the Window office are BVHP residents.

The irony for Arc Ecology is that you are yourself a direct beneficiary of Lennar's contribution Mr. Brown. You requested and received the computer Lennar's money replaced. You may have even written your email on it. In the final analysis the contribution of Lennar to the Community Window Facility has had and will have no more bearing on Arc Ecology's perspective about the future of the Shipyard, than our contribution to you has had on yours.

2. **Allegation of Bias In Regards to our Performance on the CAC:** In your email you also state: "Also, they have a seat on the Redevlopment Citizen Advisory Board, (CAC) which they should take an unbias opinion." – Lynn Brown 5/24/04. Arc Ecology will stipulate to extreme bias in the execution of our responsibilities. That bias, however, is

toward **ensuring that the cleanup of the Shipyard is fully compliant with Proposition P,** that **the redevelopment of the Shipyard be done to benefit the existing BVHP community as opposed to replacing it,** and that **a package of meaningful, well-funded community benefit programs result from the proceeds of development.** It is however important to note that Arc Ecology does not hold a seat on the CAC. I have a seat on the CAC as an individual generally representing environmental interests but no specific organization. The evidence of this is that I cannot designate an Arc Ecology staff person to serve as my alternate on the Committee. Each seat is held by an individual and therefore alternates are not permitted. Nevertheless I can say without reservation that my goals with regard to the execution of my responsibilities as a CAC member and Arc Ecology's goals are consistent.

a. **There is a substantial body of evidence to support my claims.** While Lennar was committing to fund the renovation of the current Window office site, I was successfully advocating a DDA schedule that was consistent with the Community First Coalition's request for a 90-day timeline for reviewing the document and that called for a series of meetings that provided the community with the opportunity for unprecedented amounts of input into the plan. Lennar and the Mayor were hoping for a 30-60 day turn around. The schedule I drafted and proposed which was adopted by the CAC included more than 40 public meetings. Some 72-community benefit recommendations were made. Additionally, as evidenced in the CAC meetings that followed the December 2nd Redevelopment Commission vote on the DDA, I supported community objections to the manner in which the hearing was held and advocated for the Conveyance Agreement hearing to be moved to the Opera House and be the subject of a single purpose Commission meeting.

b. Furthermore, I was the principle advocate for giving the RSOC an opportunity to present its case before the CAC. While I am given to understand that you have now parted ways with the RSOC, at that point I believe you were very much an advocate.

If developing strategies for the CAC to increase community input, that facilitated the making of numerous changes to a DDA that former Mayor Brown wished approved without serious review, and ensuring that the RSOC was discussed and its proponents treated respectfully within the process is a demonstration that I am biased against the community than I must respectfully disagree and must question the political objectives your objections are meant to serve.

3. **Misrepresentation of the Purpose of Proposition P:** In your email you further state: "Multiple people worked of Proposition P in 2000, and the implementation. I was the chair-person for Prop P." – Lynn Brown 5/24/04. While you may have been Chairperson for the campaign, I was the principle author of Proposition P and I am concerned that you continue to misrepresent what the resolution says and does. The misconceptions that have cropped up around Prop P were one of the two primary motivations for holding a workshop on the issue, which I presume motivated you to send your email. Your

promotion of these inaccurate representations of Prop P is particularly worrisome because you are Community Co-Chair of the RAB.

a. You have alleged on many occasions that Proposition P prohibits transfer/ development/ construction on the Hunters Point Shipyard until the property is cleaned. It does no such thing. This is what Prop P says:

> *"Therefore, it is the policy of the People of the City and the County of San Francisco that we oppose increasing the risks for cancer as a result of using lower standards for cleanup; and support the Hunters Point Bayview community's request that the Federal government, through its Department of the Navy, allocate funds sufficient to clean the Shipyard to a level that will enable unrestricted use."*
>
> Proposition P as it appeared in the November 2000 voter pamphlet

As anyone can see, Prop P makes no such proscriptive prohibitions on transfer, development or construction. Its purpose was absolutely clear: To get the Navy to do the best cleanup possible.

b. In its resolution implementing the Prop P voter initiative, the Board of Supervisors sought to further refine the language of the proposition:

> FURTHER RESOLVED, That by adopting Prop P as policy the Board urges the Navy to clean up the Shipyard in a manner that is fully protective of public health and does not rely on future owners to maintain barriers to protect future occupants and the public from exposure to pollution left by the Navy, unless other remedies are technically infeasible. In those instances where full compliance with the community acceptance criteria established in this resolution cannot currently be achieved due to technical limitation, the Board urges the Navy to consider the remedy a temporary interim solution until a final destructive or neutralizing technology has been developed so that the Navy can return to the site and complete its remediation; and be it
>
> FURTHER RESOLVED, That the Board urges the U.S. EPA and CAL/EPA to approve a remedy for the site only if it meets the above criteria; and be it;
>
> FURTHER RESOLVED, That by adopting Prop P as policy, the Board urges the Navy to clean up the Shipyard in a manner fully consistent with the Reuse Plan, and without remedies that impose significant economic burdens on the community and future owners, or that make implementation of the Reuse Plan economically infeasible;

FILE NO. 011367 RESOLUTION 634-01
ADOPTION OF PROPOSITION P AS OFFICIAL CITY POLICY FOR THE

> Again, as anyone can see, the Board of Supervisors' Resolution implementing Prop P makes no proscriptive prohibitions on transfer, development or construction. It further acknowledges that technical limitations may make compliance with the Prop P standard infeasible at the moment and urges that any cleanup that falls short of the standard be considered temporary.

All of the drafts of Prop P and its implementing resolution were shared with you and other Prop P committee members and were shown to members of the Community First Coalition *prior* to adoption, with sufficient time for the language to be reviewed. As the author of Proposition P, I would appreciate it if you would correct your rhetoric to incorporate an accurate reflection of what the resolution does and does not do.

4. **"Why doesn't Lennar put out an honest list of their charitable contributions, and not an incomplete list like was provided to the CAC."** – Lynn Brown 5/24/04.

   Frankly I don't know and I think it is a misguided strategy. However Arc is and has been completely transparent about our funding: The reason you - or anyone - can point to Arc Ecology having received funding from Lennar is because we have been open about. Lennar didn't mention Arc Ecology in its letter to the CAC, but I set that matter right immediately at the CAC meeting where the letter was presented. We are the only group that I know of to have freely disclosed at a public meeting, during which we were under no obligation to do so, that we have gotten funding from the developer. Scott Madison and I are the only members of the CAC to have requested a review of our conflict of interest status. Furthermore Arc is the only organization I know of to negotiate a cooperative agreement with the Redevelopment Agency within which we pledged (and I was the one who drafted the agreement) not to seek funds from the $30-40 million estimated to be set aside by the City and Lennar for community benefits.

5. **This is one of the many reasons why there is so much trouble in BayView/Hunters Point.Ccommunity based organizations who don't live in the community, but they make their living by selling out the low-income community of color. 94124 – Lynn Brown 5/24/04.**

   As to your complaint about Arc being an outsider and profiteering off the problems of the Bayview: Arc Ecology has worked in the Bayview for 20 years - longer than you have lived in the neighborhood. We have spent around $1 million since that time providing the community access to independent scientific, economic and policy expertise to the community and very little of that accrued to our staff in salary. No one else has raised or spent that much money for the purposes of attempting to inform the community about the Shipyard's cleanup. A substantial portion of the funds we have raised have gone directly to Bayview-based organizations. That expertise was instrumental in halting the nuclear activities at the shipyard, exposing the contamination that is currently the subject of the cleanup, getting the Navy to form the RAB that you now are co-chair of, reviewing all of the environmental documents produced by the Navy and regulators, and to all of the

litigation brought against the Navy to improve the cleanup of the Shipyard. So while it may be the nature of things in the Bayview for organizations to get to a certain level of impact and get bought, if you think we would sell out our legacy in the Bayview you're sadly mistaken.

Summary

In your email your ask "How can Arc Ecology have the community concerns when they receive money from the developer? (Lennar)" The answer to your question is fairly simple and straightforward: It's called integrity. It's a concept I would recommend to you and your colleagues.

There is much work ahead over the next six months. The community will face the review of the Closing Conditions for the SFRA/ Lennar Disposition and Development Agreement; the completion of the Community Benefits proposals for the use of funds obtained through Shipyard development; the plans for addressing the six acres of community benefit property for the Shipyard; the transfer agreement for Parcel A; the RI/FS for the Parcel E landfill and many other important decisions. Arc Ecology has worked to get the Redevelopment Agency to provide the CAC with independent consultants who will help develop the Community Benefits proposal and review the Closing Conditions documents. We have contracted with a nationally renowned firm of nuclear and radiological experts to continue our look into the radiological past of the Shipyard and what it means for redevelopment; we have reached back to Chris Shirley and peer-reviewed our position on Parcel A to ensure we are advocating the right thing; and we are convening our own panel of experts to address the future of Parcel E. There will be many important issues for all of us to grapple with but for that effort to succeed, it needs to be done in a way that all opinions are heard and respected.

Your assumption that the developer Lennar and the City are interested in a sloppy cleanup is unsupported by the facts. Indeed cleanup is the one area where there is substantial unanimity among the City, the Developer, the CAC and the RAB. For the City, a poor cleanup will devalue the property harming the tax base and reducing the revenues that are intended to be used to provide for Bayview community benefits. For the Developer – given that there will be a lot of houses on the property; the dirtier it is, the less it will be worth. Conversely the cleaner it is, the more they can sell property for. Also, the cleaner it is, the less likely it is that someone will be able to bring a suit against Lennar for building on a Superfund site. With the deep pockets of the nation's largest home builder Lennar would make a juicy target for litigation so the better the cleanup the more protected they are from lawsuits and more importantly the better it will be for the health of their customers. On the other hand, a poor cleanup virtually assures that they will be faced with a wealth of warning signs and other public notices that will depress the marketability of the property and open them to real and frivolous lawsuits. The CAC hopes the revenues from Shipyard development will fund the numerous and important community benefit programs we are in the process of conceptualizing for the Bayview. With $30-40 million projected for community benefits from the proceeds of Parcel A alone, the better the cleanup overall the more likely it is that real stream of meaningful funding can be developed to pay for programs to save the Bayview – not replace it. With a united front on cleanup, most if not all of the community aspirations around this issue could be realized. Emails like your undermine that objective.

I think the truth about what has upset you is that we disagree about the transfer of Parcel A, the approval of the DDA and other matters. That is perhaps what I find most disturbing about your email. It seems to me that you and others in and around CFC have begun to take the view that any disagreement with your take on the world must be the result of some corruption or desire to sell out the community. There seems to be no room in your view of the world for good people to simply disagree about the information they have. It seems that in your view there is no place for honest disagreement. I think that's a shame and a disservice to the community.

Sincerely,

Saul Bloom
Executive Director

Bayview Transportation Improvements Project

Project Fact Sheet

May, 2004

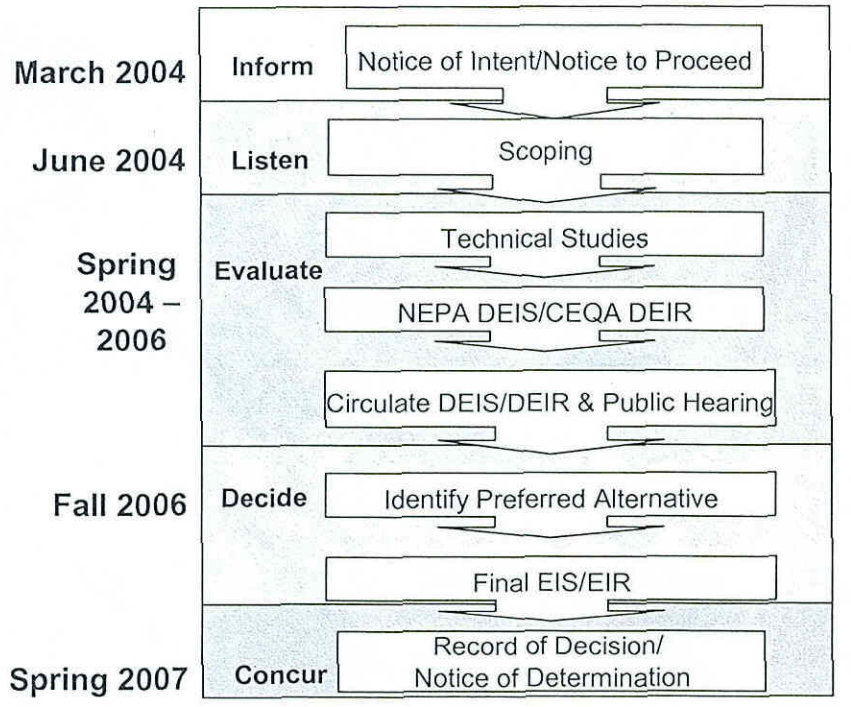
Overview

The Bayview Transportation Improvements Project is a City and County of San Francisco initiative to address the impacts of truck traffic in the Bayview and Hunters Point Shipyard areas. The purpose of this initiative is **to reduce truck traffic on Third Street and to develop a more direct truck route from the proposed industrial portions of the redeveloped Hunters Point Shipyard to US Highway 101.** Funding for the project comes from the Federal Highway Administration grant matched by local funds from the San Francisco Redevelopment Agency. The City and County of San Francisco, Department of Public Works is the local lead agency.

Environmental Study Process

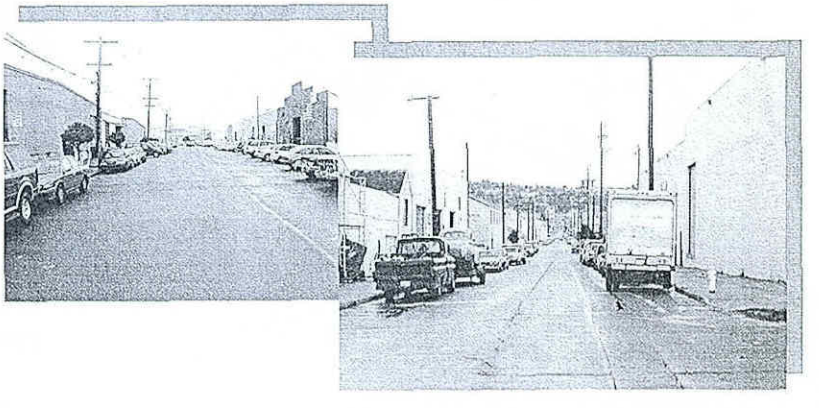
This project will evaluate a number of potential truck routes in the area to address the adverse effects of truck traffic on the community. Planning, preliminary engineering, and environmental review are the activities during the first phase of the project. **Your input is important during this phase.**

For more information, contact Thomas Trimbur, Deputy Project Manager at 415.558.4503 or via email at thomas.trimbur@sfdpw.org



Project Study Area

The study area is San Francisco's Bayview Hunters Point District, bordered by Cesar Chavez Street to the north, the City and County of San Francisco bordered to the south, US Highway 101 to the west and the San Francisco Bay to the east.

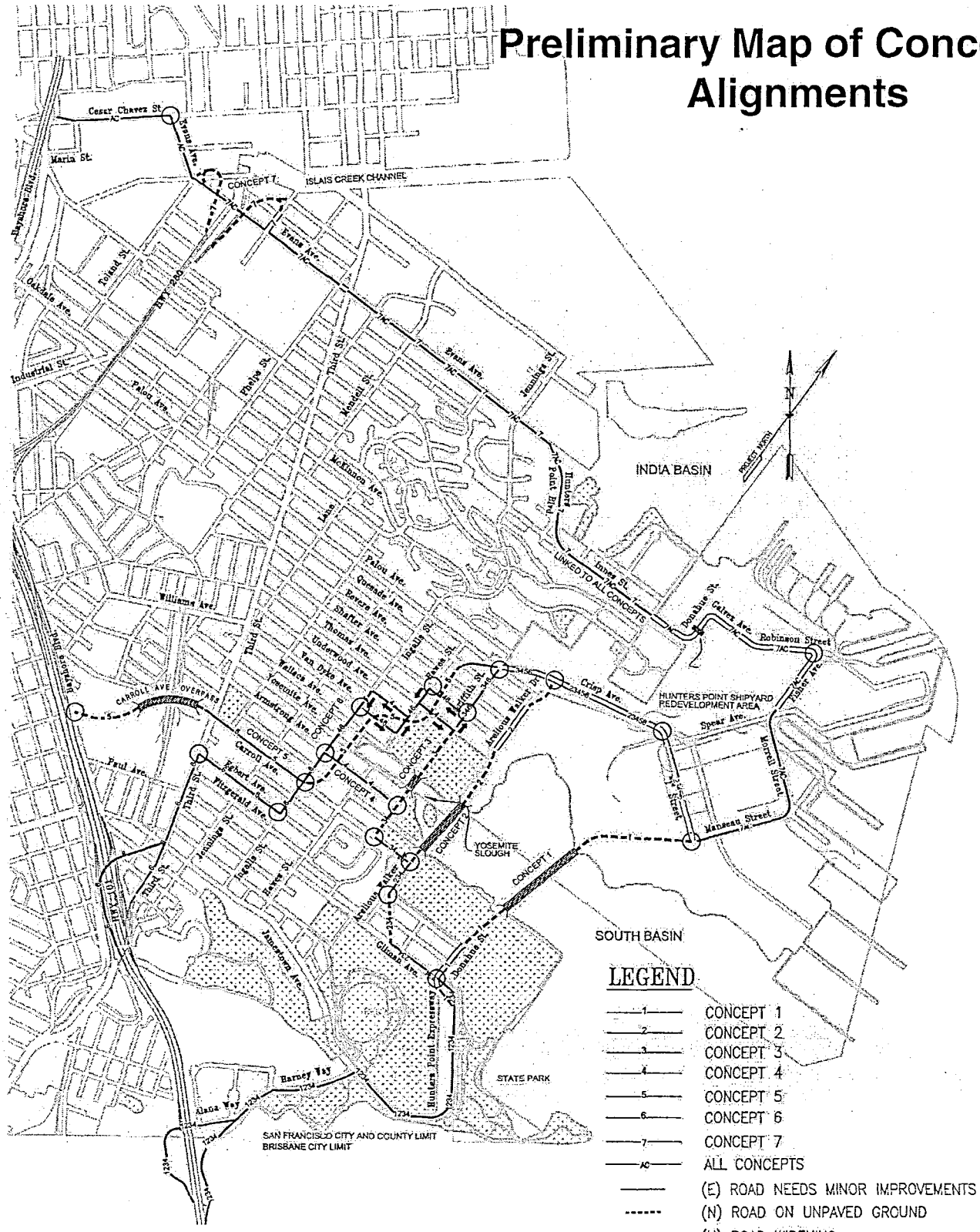


Preliminary Concepts

See Back

Project Fact Sheet

Preliminary Map of Conceptual Alignments



LEGEND

- CONCEPT 1
- CONCEPT 2
- CONCEPT 3
- CONCEPT 4
- CONCEPT 5
- CONCEPT 6
- CONCEPT 7
- ALL CONCEPTS
- (E) ROAD NEEDS MINOR IMPROVEMENTS
- (N) ROAD ON UNPAVED GROUND
- (N) ROAD WIDENING
- (N) BRIDGE
- INTERSECTION NEEDS RECONFIGURATION
- PARKS AND OPEN SPACE
- BAY & BIKE TRAILS

SCALE: 1"=1400'

Cancer Risks and Hazard Indices, IR 59-JAI, Parcel A - 2002 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 2002 non-cancer PRG (mg/kg)	EPA 2002 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Aluminum		1.6E+04	7.6E+04		0.211	
Antimony	9.05	1.4E+00	3.1E+01		0.045	
Arsenic*	11.1	3.7E+00	2.2E+01	3.9E-01	0.168	9.49E-06
Barium	314.36	1.4E+02	5.4E+03		0.026	
Beryllium*	0.71	3.4E-01	1.5E+02	1.1E+03	0.002	3.09E-10
Cadmium*	3.14	5.0E-01	1.7E+00	1.4E+03	0.294	3.57E-10
Chromium*	417.95	3.4E+02	2.1E+02	2.2E+02	1.619	1.55E-06
Cobalt*	56.35	3.5E+01	1.4E+03	9.0E+02	0.025	3.89E-08
Copper*	124.31	3.1E+01	3.1E+03		0.010	
Lead	8.99	1.0E+01	1.5E+02		0.067	
Manganese*	1431	5.7E+02	1.8E+03		0.317	
Mercury*	2.28	6.0E-02	6.1E+00		0.010	
Molybdenum	2.68	NA	3.9E+02			
Nickel*	672.31	5.9E+02	1.6E+03		0.369	
Selenium	1.95	NA	3.9E+02			
Silver	1.43	4.9E-01	3.9E+02		0.001	
Thallium*	0.81	2.9E-01	5.2E+00		0.056	
Vanadium	117.17	5.5E+01	5.5E+02		0.100	
Zinc	109.86	6.2E+01	2.3E+04		0.003	
TOTAL					**3.322**	**1.11E-05**

* denotes PRGs that have changed since 1995. The most significant changes are seen in chromium, cadmium, and nickel. The reasons for some of these changes are as follows:
Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or http://www.atsdr.cdc.gov/toxfaq.html.

Cancer Risks and Hazard Indices, IR 59 JAI, Parcel A - 1995 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 1995 non-cancer PRG (mg/kg)	EPA 1995 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Aluminum		1.6E+04	7.6E+04		0.21	
Antimony	9.05	1.4E+00	3.1E+01		0.05	
Arsenic*	11.1	3.7E+00	2.2E+01	3.2E-01	0.17	1.2E-05
Barium	314.36	1.4E+02	5.3E+03		0.03	
Beryllium*	0.71	3.4E-01	3.8E+02	1.4E-01	0.00	2.4E-06
Cadmium*	3.14	5.0E-01	9.0E+00	1.4E+03	0.06	3.6E-10
Chromium*	417.95	3.4E+02	3.8E+02	2.0E-01	0.89	1.7E-03
Cobalt*	56.35	3.5E+01	2.1E+06		0.00	
Copper*	124.31	3.1E+01	2.8E+03		0.01	
Lead	8.99	1.0E+01	1.3E+02		0.08	
Manganese*	1431	5.7E+02	3.8E+02		1.50	
Mercury*	2.28	6.0E-02	2.3E+01		0.00	
Molybdenum	2.68	NA	3.8E+02			
Nickel*	672.31	5.9E+02	1.5E+03	1.5E+02	0.39	3.9E-06
Selenium	1.95	NA	NA			
Silver	1.43	4.9E-01	3.8E+02		0.00	
Thallium*	0.81	2.9E-01	6.1E+00		0.05	
Vanadium	117.17	5.5E+01	5.4E+02		0.10	
Zinc	109.86	6.2E+01	2.3E+04		0.00	
TOTAL					**3.54**	**1.7E-03**

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Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
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Cancer Risks and Hazard Indices, IR 59, Parcel A - 2002 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 2002 non-cancer PRG (mg/kg)	EPA 2002 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Aluminum		11118.1	7.6E+04		0.15	
Antimony	9.05	NA	3.1E+01			
Arsenic*	11.1	4.52	2.2E+01	3.9E-01	0.21	1.2E-05
Barium	314.36	100.3	5.4E+03		0.02	
Beryllium*	0.71	NA	1.5E+02	1.1E+03		
Cadmium*	3.14	NA	1.7E+00	1.4E+03		
Chromium*	99.14	94.93	2.1E+02	2.2E+02	0.45	4.3E-07
Cobalt*	19.11	14.64	1.4E+03	9.0E+02	0.01	1.6E-08
Copper*	124.31	17.05	3.1E+03		0.01	
Lead	8.99	70.66	1.5E+02		0.47	
Manganese*	1431	416.59	1.8E+03		0.23	
Mercury*	2.28	0.1	6.1E+00		0.02	
Molybdenum	2.68	NA	3.9E+02			
Nickel*	92.85	70.45	1.6E+03		0.04	
Selenium	1.95	NA	3.9E+02			
Silver	1.43	NA	3.9E+02			
Thallium*	0.81	NA	5.2E+00			
Vanadium	117.17	51.88	5.5E+02		0.09	
Zinc	109.86	65.39	2.3E+04		0.00	
TOTAL					**1.70**	**1.2E-05**

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Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or

Cancer Risks and Hazard Indices, IR 59, Parcel A - 1995 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 1995 non-cancer PRG (mg/kg)	EPA 1995 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Aluminum		11118.1	7.70E+04		0.144	
Antimony	9.05	NA	3.1E+01			
Arsenic*	11.1	4.52	2.2E+01	3.2E-01	0.205	1.41E-05
Barium	314.36	100.3	5.3E+03		0.019	
Beryllium*	0.71	NA	3.8E+02	1.4E-01		
Cadmium*	3.14	NA	9.0E+00	1.4E+03		
Chromium*	*99.14*	94.93	3.8E+02	2.0E-01	0.250	4.75E-04
Cobalt*	*19.11*	14.64	2.1E+06		0.000	
Copper*	124.31	17.05	2.8E+03		0.006	
Lead	8.99	70.66	1.3E+02		0.544	
Manganese*	1431	416.59	3.8E+02		1.096	
Mercury*	2.28	0.1	2.3E+01		0.004	
Molybdenum	2.68	NA	3.8E+02			
Nickel*	*92.85*	70.45	1.5E+03	1.5E+02	0.047	4.70E-07
Selenium	1.95	NA	NA			
Silver	1.43	NA	3.8E+02			
Thallium*	0.81	NA	6.1E+00			
Vanadium	117.17	51.88	5.4E+02		0.096	
Zinc	109.86	65.39	2.3E+04		0.003	
TOTAL					**2.415**	**4.89E-04**

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Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or http://www.atsdr.cdc.gov/toxfaq.html.

Cancer Risks and Hazard Indices, SI 43, Parcel A - 2002 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 2002 non-cancer PRG (mg/kg)	EPA 2002 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	7.42	3.1E+01		0.239	
Arsenic*	11.1	15.03	2.2E+01	3.9E-01	0.683	3.85E-05
Barium	314.36	120.23	5.4E+03		0.022	
Beryllium*	0.71	0.33	1.5E+02	1.1E+03	0.002	3.00E-10
Cadmium*	3.14	1.04	1.7E+00	1.4E+03	0.612	7.43E-10
Chromium*	*1140.42*	770.73	2.1E+02	2.2E+02	3.670	3.50E-06
Cobalt*	*119.84*	81.6	1.4E+03	9.0E+02	0.058	9.07E-08
Copper*	124.31	54.95	3.1E+03		0.018	
Lead	8.99	350.39	1.5E+02		2.336	
Manganese*	1431	858.15	1.8E+03		0.477	
Mercury*	2.28	0.09	6.1E+00		0.015	
Molybdenum	2.68	2.54	3.9E+02		0.007	
Nickel*	*2675.55*	2793.33	1.6E+03		1.746	
Selenium	1.95	NA	3.9E+02			
Silver	1.43	0.31	3.9E+02		0.001	
Thallium*	0.81	NA	5.2E+00			
Vanadium	117.17	69.17	5.5E+02		0.126	
Zinc	109.86	120.71	2.3E+04		0.005	
TOTAL					**10.017**	**4.21E-05**

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Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
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Cancer Risks and Hazard Indices, SI-43, Parcel A - 1995 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 1995 non-cancer PRG (mg/kg)	EPA 1995 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	7.42	3.1E+01		0.239	
Arsenic*	11.1	15.03	2.2E+01	3.2E-01	0.683	4.70E-05
Barium	314.36	120.23	5.3E+03		0.023	
Beryllium*	0.71	0.33	3.8E+02	1.4E-01	0.001	2.36E-06
Cadmium*	3.14	1.04	9.0E+00	1.4E+03	0.116	7.43E-10
Chromium*	*1140.42*	770.73	3.8E+02	2.0E-01	2.028	3.85E-03
Cobalt*	*119.84*	81.6	2.1E+06		0.000	
Copper*	124.31	54.95	2.8E+03		0.020	
Lead	8.99	350.39	1.3E+02		2.695	
Manganese*	1431	858.15	3.8E+02		2.258	
Mercury*	2.28	0.09	2.3E+01		0.004	
Molybdenum	2.68	2.54	3.8E+02		0.007	
Nickel*	*2675.55*	2793.33	1.5E+03	1.5E+02	1.862	1.86E-05
Selenium	1.95	NA	NA			
Silver	1.43	0.31	3.8E+02		0.001	
Thallium*	0.81	NA	6.1E+00			
Vanadium	117.17	69.17	5.4E+02		0.128	
Zinc	109.86	120.71	2.3E+04		0.005	
TOTAL					**10.070**	**3.92E-03**

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Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
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There is no longer a cancer PRG for nickel as soluble salts.
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Cancer Risks and Hazard Indices, SI 41, Parcel A - 2002 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 2002 non-cancer PRG (mg/kg)	EPA 2002 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	6.1E+00	3.1E+01		0.196	
Arsenic*	11.1	9.0E+00	2.2E+01	3.9E-01	0.408	2.30E-05
Barium	314.36	1.3E+03	5.4E+03		0.248	
Beryllium*	0.71	4.8E-01	1.5E+02	1.1E+03	0.003	4.36E-10
Cadmium*	3.14	1.4E+00	1.7E+00	1.4E+03	0.824	1.00E-09
Chromium*	*804.9*	4.1E+02	2.1E+02	2.2E+02	1.929	1.84E-06
Cobalt*	*92.23*	9.3E+01	1.4E+03	9.0E+02	0.067	1.03E-07
Copper*	124.31	1.6E+02	3.1E+03		0.051	
Lead	8.99	1.9E+02	1.5E+02		1.240	
Manganese*	1431	7.7E+03	1.8E+03		4.298	
Mercury*	2.28	2.3E-01	6.1E+00		0.038	
Molybdenum	2.68	1.4E+00	3.9E+02		0.004	
Nickel*	*1656.51*	1.7E+03	1.6E+03		1.056	
Selenium	1.95	7.7E-01	3.9E+02		0.002	
Silver	1.43	NA	3.9E+02			
Thallium*	0.81	5.7E-01	5.2E+00		0.110	
Vanadium	117.17	9.1E+01	5.5E+02		0.165	
Zinc	109.86	3.3E+02	2.3E+04		0.015	
TOTAL					**10.653**	**2.50E-05**

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Cancer Risks and Hazard Indices, SI 41, Parcel A - 1995 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 1995 non-cancer PRG (mg/kg)	EPA cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	6.1E+00	3.1E+01		0.196	
Arsenic*	11.1	9.0E+00	2.2E+01	3.2E-01	0.408	2.81E-05
Barium	314.36	1.3E+03	5.3E+03		0.253	
Beryllium*	0.71	4.8E-01	3.8E+02	1.4E-01	0.001	3.43E-06
Cadmium*	3.14	1.4E+00	9.0E+00	1.4E+03	0.156	1.00E-09
Chromium*	*804.9*	4.1E+02	3.8E+02	2.0E-01	1.066	2.03E-03
Cobalt*	*92.23*	9.3E+01	2.1E+06		0.000	
Copper*	124.31	1.6E+02	2.8E+03		0.057	
Lead	8.99	1.9E+02	1.3E+02		1.431	
Manganese*	1431	7.7E+03	3.8E+02		20.360	
Mercury*	2.28	2.3E-01	2.3E+01		0.010	
Molybdenum	2.68	1.4E+00	3.8E+02		0.004	
Nickel*	*1656.51*	1.7E+03	1.5E+03	1.5E+02	1.127	1.13E-05
Selenium	1.95	7.7E-01	NA			
Silver	1.43	NA	3.8E+02			
Thallium*	0.81	5.7E-01	6.1E+00		0.093	
Vanadium	117.17	9.1E+01	5.4E+02		0.168	
Zinc	109.86	3.3E+02	2.3E+04		0.015	
TOTAL					**25.344**	**2.07E-03**

* denotes PRGs that have changed since 1995. The most significant changes are seen in chromium, cadmium, and nickel. The reasons for some of these changes are as follows:
Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or http://www.atsdr.cdc.gov/toxfaq.html.

Cancer Risks and Hazard Indices, SI 19, Parcel A - 2002 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 2002 non-cancer PRG (mg/kg)	EPA 2002 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	1.2E+01	3.1E+01		0.394	
Arsenic*	11.1	9.1E+00	2.2E+01	3.9E-01	0.414	2.33E-05
Barium	314.36	1.5E+02	5.4E+03		0.027	
Beryllium*	0.71	4.0E-01	1.5E+02	1.1E+03	0.003	3.64E-10
Cadmium*	3.14	2.0E+00	3.7E+01	1.4E+03	0.054	1.43E-09
Chromium*	334.2	7.7E+02	2.1E+02	2.2E+02	3.657	3.49E-06
Cobalt*	47.64	8.4E+01	1.4E+03	9.0E+02	0.060	9.37E-08
Copper*	124.31	1.5E+02	3.1E+03		0.048	
Lead	8.99	1.4E+01	1.5E+02		0.093	
Manganese*	1431	1.4E+03	1.8E+03		0.761	
Mercury*	2.28	2.0E-01	6.1E+00		0.033	
Molybdenum	2.68	1.9E+00	3.9E+02		0.005	
Nickel*	494.33	1.4E+03	1.6E+03		0.875	
Selenium	1.95	NA	3.9E+02			
Silver	1.43	6.8E-01	3.9E+02		0.002	
Thallium*	0.81	NA	5.2E+00			
Vanadium	117.17	9.3E+01	5.5E+02		0.168	
Zinc	109.86	2.3E+02	2.3E+04		0.010	
TOTAL					**6.603**	**2.69E-05**

* denotes PRGs that have changed since 1995. The most significant changes are seen in chromium, cadmium, and nickel. The reasons for some of these changes are as follows:
Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or http://www.atsdr.cdc.gov/toxfaq.html.

Cancer Risks and Hazard Indices, SI 19, Parcel A - 1995 PRGs

Chemical of Concern	HPAL (mg/kg)	Exposure Point Concentration (mg/kg)	EPA 1995 non-cancer PRG (mg/kg)	EPA 1995 cancer PRG (mg/kg)	Hazard Quotient	Cancer Risk
Antimony	9.05	1.2E+01	3.1E+01		0.394	
Arsenic*	11.1	9.1E+00	2.2E+01	3.2E-01	0.414	2.84E-05
Barium	314.36	1.5E+02	5.3E+03		0.028	
Beryllium*	0.71	4.0E-01	3.8E+02	1.4E-01	0.001	2.86E-06
Cadmium*	3.14	2.0E+00	9.0E+00	1.4E+03	0.222	1.43E-09
Chromium*	334.2	7.7E+02	3.8E+02	2.0E-01	2.021	3.84E-03
Cobalt*	47.64	8.4E+01	2.1E+06		0.000	
Copper*	124.31	1.5E+02	2.8E+03		0.053	
Lead	8.99	1.4E+01	1.3E+02		0.108	
Manganese*	1431	1.4E+03	3.8E+02		3.605	
Mercury*	2.28	2.0E-01	2.3E+01		0.009	
Molybdenum	2.68	1.9E+00	3.8E+02		0.005	
Nickel*	494.33	1.4E+03	1.5E+03	1.5E+02	0.933	9.33E-06
Selenium	1.95	NA	NA			
Silver	1.43	6.8E-01	3.8E+02		0.002	
Thallium*	0.81	NA	6.1E+00			
Vanadium	117.17	9.3E+01	5.4E+02		0.171	
Zinc	109.86	2.3E+02	2.3E+04		0.010	
TOTAL					**7.975**	**3.88E-03**

* denotes PRGs that have changed since 1995. The most significant changes are seen in chromium, cadmium, and nickel. The reasons for some of these changes are as follows:
Chromium was previously thought to be a carcinogen by the oral route of exposure, but that cannot be determined with current research, according to the EPA. This has caused the PRG to be less stringent.
A cancer PRG has now been developed for cobalt.
There is no longer a cancer PRG for nickel as soluble salts.
For more toxicology information on a particular metal, visit http://www.epa.gov/iris/ or http://www.atsdr.cdc.gov/toxfaq.html.

Summary of Waste Consolidation at Hunters Point Shipyard

Restoration Advisory Board Information Request

May 27, 2004

The following waste material was removed from the Parcel E shoreline and from Dry Dock 4 at Hunters Point Shipyard as part of a waste consolidation project.

1. About twenty-five truck loads of industrial materials that included:
    a. Electrical transformers
    b. Oil-filled circuit breakers
    c. Miscellaneous containers of oil, lubricants, paints, and solvents
    d. Compressed gas cylinders
    e. Asbestos
    f. Unused sandblast grit
    g. Liquid waste

2. Twenty truck loads of general materials that included:
    a. Wood debris
    b. Ropes
    c. Boats and trailers
    d. Various building materials and the remains of Building 702, which was destroyed by fire
    e. Pallets
    f. Scrap metal (including 335 tons of recyclable steel)

DRAFT Revised
Proposed RAB Rule

January 2004

Department of Defense Restoration Advisory Boards (RABs)

AGENCY: Department of Defense, Office of the Deputy Under Secretary of Defense (Installations and Environment), DoD.

ACTION: Proposed rule.

SUMMARY: The Department of Defense (DoD) requests public comment on these proposed regulations regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of Restoration Advisory Boards (RABs). DoD has proposed these regulations in response to 10 U.S.C. § 2705(d)(2)(A), which requires the Secretary of Defense to prescribe regulations regarding RABs.

The purpose of a RAB is to facilitate public participation in DoD environmental restoration activities at active and closing DoD installations and formally used defense sites where local communities express interest in such activities. The proposed regulations are based on DoD's current policies for establishing and operating RABs, as well as DoD's experience over the past eight years in using RABs.

DATES: Comments on this proposed rule must be submitted on or before DATE TBD.

ADDRESSES: Comments on this proposal should be sent to the following address:

Office of the Assistant Deputy Under Secretary of Defense
(Installations and Environment)
3400 Defense Pentagon
Washington, DC 20301-3400

The public must send the original, and (whenever possible) a 3.5-inch computer disk containing comments in a common word processing format such as Microsoft Word. Public comments will also be collected via the Defense Environmental Network and Information eXchange (DENIX), located at the following Web site: TBD.

FOR FURTHER INFORMATION CONTACT:
Ms. Patricia Ferrebee, Office of the Deputy Under Secretary of Defense (Installations and Environment), at (703) 695-6107.

SUPPLEMENTARY INFORMATION:

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I. Authority

These regulations are proposed under the authority of section 2705 of title 10, United States Code (U.S.C.).

II. Background

The Defense Environmental Restoration Program (DERP) was established in 1986 to "carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary." Goals of the program include: "(1) identification, investigation, research and development, and cleanup of contamination from hazardous substances, and pollutants and contaminants. (2) Correction of other environmental damage (such as detection and disposal of unexploded ordnance) which creates an imminent and substantial endangerment to the public health or welfare or to the environment. (3) Demolition and removal of unsafe buildings and structures, including buildings and structures of the Department of Defense at sites formerly used by or under the jurisdiction of the Secretary." (10 U.S.C. § 2701) DoD conducts these activities at active and closing Department of Defense (DoD) installations and formerly used defense sites (FUDS). DoD created distinct programs within the DERP to address sites environmentally impacted by DoD's past activities. The Installation Restoration program (IRP) established in 1986 covers environmental restoration activities to address hazardous substances, pollutants, and contaminants. In September 2001, DoD established the Military Munitions Response program (MMRP) to manage cleanup of unexploded ordnance, discarded military munitions, and munitions constituents at areas other than operational ranges. The Building Demolition/Debris Removal (BD/DR) program category addresses the demolition and removal of unsafe buildings and structures at facilities or sites that are or were owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense.

During the early years of the DERP, the Office of the Secretary of Defense (OSD) managed the Defense Environmental Restoration Account (DERA) for the Department's Military Components—the Army, Navy, Air Force, Defense Logistics Agency (DLA), and Defense Threat Reduction Agency (DTRA)—who execute environmental restoration activities at their respective installations. In 1996, DoD decided to separate, or devolve, DERA into five Environmental Restoration (ER) accounts to better align each Military Component's DERP responsibilities and accountability for environmental cleanup efforts. Policy direction and oversight of the DERP is the responsibility of the Office of the Deputy Under Secretary of Defense (Installations and Environment). The DoD Military Components are responsible for program implementation. The Army, Navy, and Air Force manage their own ER accounts. The U.S. Army Corps of Engineers manages the FUDS program for the Army, the Department's designated executive agent for FUDS. The FUDS program addresses environmental impacts on properties DoD once owned, leased, or operated and were under the jurisdiction of the Secretary of Defense. The final ER account, the Defense-Wide account, funds cleanup programs for DLA and DTRA in addition to providing the operating funds for OSD's oversight of the DERP. While DoD manages environmental restoration at Base Realignment and Closure (BRAC) installations as part of the DERP, it funds these environmental restoration activities through a separate BRAC Program account, which is part of DoD's overall Military Construction appropriation.

DoD recognizes the importance of public involvement at military installations. For the purposes of this proposed rule, the term installation means operating and closing DoD installations and FUDS that require environmental restoration. DoD has developed community involvement policies to ensure that local communities are provided the opportunity as early as possible to obtain information about, and provide input to, the decisions regarding the environmental restoration activities at military installations. It is DoD policy to provide the public an opportunity to participate through the establishment of RABs, among other public involvement opportunities.

Based on statutory and regulatory requirements for community involvement and recommendations from the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC), DoD has strengthened its community involvement efforts, including the RAB initiative, under its environmental restoration program. DoD believes that working in partnership with local communities and addressing the concerns of those communities early in the restoration process has enhanced its efforts under, and increased the credibility of, the

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FOR ADDITIONAL INFORMATION, CONTACT:

DIANE C. SILVA, RECORDS MANAGER
NAVAL FACILITIES ENGINEERING COMMAND, SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132

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E-MAIL: diane.silva@navy.mil

In this section of the proposed rule, DoD also establishes requirements for adjourning a RAB. An Installation Commander may adjourn a RAB when there is no longer a need for a RAB or when community interest in the RAB declines. For FUDS, the Installation Commander may be the District Commander or equivalent.

Although Installation Commanders are expected to make every reasonable effort to ensure that a RAB performs its role as efficiently as possible, circumstances may prevent a RAB from operating efficiently or fulfilling its intended purpose. When this occurs, the Installation Commander will make a concerted attempt to resolve the issues that affect the RAB's effectiveness. If unsuccessful, the Installation Commander may elect to dissolve the RAB. The Installation Commander should discuss dissolution with regulators and the community as a whole before making a final decision. This section of the rule provides guidelines for how an Installation Commander may elect to dissolve a RAB.

In this section of the proposed rule, DoD sets forth requirements for adjourning a RAB, adjournment procedures, dissolving a RAB, dissolution procedures, reestablishing an adjourned or dissolved RAB, and public comment.

C. Administrative Support, Funding, and Reporting Requirements

In this section of the proposed rule, DoD sets forth requirements regarding administrative support for establishing, operating, and adjourning a RAB, funding for administrative support, and reporting requirements regarding the activities and administrative expenses associated with RABs.

The Installation Commander, or if there is no such Commander, an appropriate DoD official, is authorized to pay for routine administrative expenses of a RAB established at an installation (10 U.S.C. § 2705(d)(3)). To implement this provision, this proposed rule requires that the installation provide administrative support to establish and operate a RAB, subject to the availability of funds. The scope of this support corresponds to those activities that are eligible for DoD funding, including:

- RAB establishment
- Membership selection
- Training that meets certain criteria
- Meeting announcements
- Meeting facility, including accommodations necessary to comply with the Americans with Disabilities Act
- Meeting facilitators, including translators
- Meeting materials and minutes preparation
- RAB-member mailing list maintenance and RAB materials distribution
- RAB adjournment.

The Secretaries of the Military Departments will make funds available for RAB administrative expenses (10 U.S.C. § 2705(g)), subject to appropriations. The proposed rule establishes these requirements and specifies that active installations should pay for RAB administrative expenses using funds from their Military Component's ER accounts. The ER-FUDS fund is used to pay for RAB administrative expenses at FUDS. At BRAC installations, BRAC funds are used to pay for RAB administrative expenses.

This section of the rule also discusses the opportunities for the RAB to obtain technical assistance to facilitate members' understanding of the scientific and engineering issues underlying environmental restoration activities through DoD's Technical Assistance for Public Participation (TAPP) program. The DoD installation may also provide in-house assistance to discuss technical issues.

DoD is required to report annually to Congress on the activities of Technical Review Committees (TRCs) and RABs (10 U.S.C. § 2706(a)(2)(J)). In order to fulfill this requirement, this proposed rule requires that the installation at which a RAB has been established document the activities of the RAB and track expenditures for administrative expenses of the RAB. This proposed rule does not prescribe specific procedures for the installation to follow as part of DoD's information collection when reporting to Congress. Rather, DoD will rely on existing internal reporting mechanisms within the Department and Military Components to collect this information annually.

IV. Section-by-Section Analysis of the Proposed Rule

This section of the preamble presents an analysis of each section of the proposed rule.

A. General Requirements

1. Purpose, Scope, Definitions, and Applicability

a. Purpose. The purpose of this part is to establish regulations regarding the characteristics, composition, funding, and establishment of RABs, as required by 10 U.S.C. § 2705(d)(2)(A), and the operation, adjournment, and dissolution of RABs.

b. Purpose and Scope of Responsibilities of a RAB. DoD is proposing the purposes of a RAB be:

- To provide an expanded opportunity for stakeholder involvement in the environmental restoration process at DoD installations. DoD considers "stakeholders" to be parties that are actually or potentially affected by environmental restoration activities at an installation.
- To act as a forum for the discussion and exchange of restoration program information between DoD, regulatory agencies, and the community.
- To provide an opportunity for RAB members to review progress and participate in a dialogue with the installation's decision makers concerning environmental restoration matters. Installations will listen and give meaningful consideration to the recommendations provided by individual RAB members. Consensus is not a prerequisite for RAB member recommendations.

A RAB may address only issues associated with environmental restoration activities under the DERP at DoD installations. Environmental groups, advisory boards, or other entities that address issues other than environmental restoration activities are not RABs.

This proposed rule does not list specific responsibilities of RAB members, but DoD considers the following types of activities within the scope of RAB members' functions:

- Providing advice to the installation, EPA, state regulatory agency, and other government agencies on restoration activities and community involvement.
- Addressing important issues related to restoration, such as the scope of studies, cleanup levels, waste management, and remedial action alternatives.
- Reviewing and evaluating documents associated with environmental restoration activities, such as plans and technical reports.
- Identifying environmental restoration projects to be accomplished in the next fiscal year and beyond.
- Recommending priorities among sites or projects.
- Attending regular meetings that are open to the public and scheduled at convenient times and locations.
- Interacting with the local redevelopment authority (LRA) or other land use planning bodies to discuss future land use issues relevant to environmental restoration decision making.
- Providing feedback to other community members on RAB activities and share community concerns and input with the RAB.

By establishing a RAB, DoD hopes to ensure that interested stakeholders have a voice and can actively participate in a timely and thorough manner in the planning and implementation of the environmental restoration process. A RAB will serve as one method for the expression and careful consideration of diverse points of view. Installations will listen and give meaningful consideration to all advice provided by individual members. DoD proposes that each installation undergoing environmental restoration activities establish a RAB where there is sufficient and sustained community interest. Where TRCs or similar advisory groups already exist, the TRC or similar advisory group will be considered for conversion to a RAB, provided there is sufficient and sustained interest within the community. DoD will recognize only one RAB or TRC per installation.

c. Definitions. In this section:

- *Installation* will include active and closing Department of Defense (DoD) installations and formerly used defense sites (FUDS).
- *Installation Commander* will include the Commanding Officer of an installation; the Installation Commander or other Military Department officials who close the facility and are responsible for its disposal at BRAC installations; or the U.S. Army Corps of Engineers Project Management District Commander at FUDS properties.
- *Tribes* means any federally recognized American Indian and Alaska Native government as defined by the most current Department of Interior/Bureau of Indian Affairs list of tribal entities published in the Federal Register pursuant to Section 104 of the Federally Recognized Tribe Act.
- *RAB adjournment* means when an Installation Commander, in consultation with the EPA, state, tribes, RAB members, and the local community, as appropriate, closes the RAB based on a determination that there is no longer a need for a RAB or when community interest in the RAB declines sufficiently.
- *RAB dissolution* means when an Installation Commander disbands a RAB that is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental cleanup projects. Installation Commanders are expected to make every reasonable effort to ensure that a RAB performs its role as efficiently as possible and a concerted attempt to resolve issues that affect the RAB's effectiveness. There are circumstances, however, that may prevent a RAB from operating efficiently or fulfilling its intended purpose.

d. Other Public Involvement Activities. RABs are one part of DoD and the Military Components' extensive community outreach and public participation activities, which include compliance with the public notice and participation requirements of CERCLA, RCRA, and other federal and state environmental laws, as well as considerable consultation with our partners at federal, state, and local environmental and resource agencies.

e. Applicability of Regulations to Existing RABs. DoD is proposing these regulations regarding the establishment, characteristics, composition, and funding of RABs (10 U.S.C. § 2705(d)(2)(A)) to formalize current Department policy. DoD intends that the final regulations will apply to all RABs, including RABs established prior to the effective date of the final rule. DoD does not consider that applying final regulations to RABs already established will pose any additional requirements or conflict because the proposed regulations are based on existing DoD policy that has been implemented since September 1994.

f. Guidance. The Office of the Assistant Deputy Under Secretary of Defense for Environment will issue guidance regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of RABs pursuant to this rule. The issuance of the guidance is not a precondition to the establishment of RABs or the implementation of this rule.

2. Criteria for Establishment

a. Determining if Sufficient Interest Warrants Establishing a RAB. In this rule, RABs may only be established at installations undergoing environmental restoration. There may be only one RAB per installation. In accordance with existing policy, DoD proposes that a RAB be established when the Installation Commander finds sufficient and sustained community interest and any of the following criteria are met:

- The closure of an installation involves the transfer of property to the community;

- At least 50 local citizens petition for a RAB;
- Federal, state, tribal, or local government representatives request formation of a RAB; or
- The installation determines the need for a RAB.

To clarify how an installation will determine the need for a RAB, DoD proposes that the Installation Commander determine the level of interest within the community for establishing a RAB by:

- Reviewing correspondence files;
- Reviewing media coverage;
- Consulting community members;
- Consulting relevant government officials; and
- Evaluating responses to notices placed in local newspapers.

At the majority of installations that have an environmental restoration program, DoD expects that local communities will be interested in forming a RAB. DoD notes that installation efforts to identify the level of community interest in establishing a RAB should not be limited to a one-time assessment of the criteria discussed above. Only one RAB, however, will be recognized per installation. If a RAB already exists at an installation and there will be MMRP sites, the RAB may be expanded to consider issues related to the MMRP sites. If the current RAB or DoD installation decides that it is necessary to involve new stakeholders, the installation should notify potential stakeholders of its intent to expand the RAB and solicit new members who have an interest in issues related to the MMRP.

Where RABs are not formed initially, installations should reassess community interest at least every 24 months. Where the reassessment finds sufficient and sustained community interest, the installation should establish a RAB. Where the reassessment does not find sufficient and sustained community interest in a RAB, the installation will document, in a memorandum for the Administrative Record, the procedures followed in the reassessment and the findings of the reassessment.

b. Responsibility for Forming and Operating a RAB. Once the installation determines that a RAB must be established, DoD proposes that the Installation Commander have the lead responsibility for forming and operating the RAB. The Installation Commander should have lead responsibility because the RAB will be an integral part of the installation's community involvement and outreach programs. The Installation Commander may also designate his or her duties to appropriate personnel but retains oversight authority and responsibility. DoD recommends that installations involve, as appropriate, EPA, and state, tribal, and local governments in all phases of RAB planning and operation.

c. Converting Existing Technical Review Committees (TRCs) to RABs. Before the implementation of RABs, TRCs were established at DoD installations to provide interested parties with a forum to discuss and provide input into environmental restoration activities. In accordance with 10 U.S.C. § 2705(d)(1), a RAB fulfills the requirements of 10 U.S.C. § 2705(c), which directs DoD to establish TRCs. DoD recommends that, where TRCs or similar advisory groups already exist, provided there is sufficient and sustained interest within the community for a RAB, the TRC or similar advisory group should be considered for conversion to a RAB.

RABs expand the TRC initiative in the following ways: (1) RABs involve a greater number of community members than TRCs, thereby better incorporating the diverse needs and concerns of the community directly affected by environmental restoration activities; and (2) chairmanship of the RAB is shared between the installation and community, promoting partnership and meaningful consideration of the community's concerns in the decision-making process.

In order to convert a TRC to a RAB, DoD should increase community representation, evaluate and ensure the diversity of community representation, add a community co-chair, and open meetings to the public.

3. Notification of Formation of a RAB

a. Public Notice and Outreach. Prior to establishing a RAB or converting a TRC to a RAB, DoD proposes that an installation notify potential stakeholders of its intent to form a RAB. In announcing the formation of a RAB, the installation should describe the purpose of a RAB and discuss membership opportunities.

DoD recommends that every effort be made to ensure that a broad spectrum of individuals or groups representing the community's interests are informed about the RAB, its purposes, and membership opportunities. In some cases, it may be necessary that the installation directly solicit some groups or organizations, particularly groups that may be traditionally underrepresented, such as low-income and minority segments of the population. It is important that RAB memberships are fairly balanced in terms of points of view represented and functions to be performed. Installations should consult the existing TRC, EPA, and state, tribal, and local government representatives for information or other comments before providing this notice.

b. RAB Information Meeting. While not required in the proposed rule, DoD suggests that an installation sponsor an informational meeting prior to establishing a RAB. The focus of this meeting will be to introduce the concept of RABs to the community and to begin the membership solicitation process.

4. Composition of a RAB

a. Membership. RAB membership should be well balanced and reflect the diverse interests within the local community. Therefore, DoD proposes that each RAB should consist of representatives of the Military Component, members of the community, EPA, and state, tribal, or local government representatives, as appropriate.

b. Government Representation. In addition to the Military Component, DoD proposes that EPA and state, tribal, and local governments should be represented on the RAB, as they fulfill important roles because of their regulatory oversight of DoD environmental restoration activities. Potential candidates may include the Remedial Project Manager (RPM) from the installation, EPA at the discretion of the EPA Administrator, as well as representatives from the state, tribal, or local government agencies. In the case of closing military installations, members of the BRAC Cleanup Team (BCT) may serve on the RAB as government representatives. It is important that any government representative chosen for RAB membership dedicate the time necessary, and have sufficient authority, to fulfill all RAB responsibilities.

Ideally, DoD believes that RABs should have only one representative from each government agency, so as to prevent an inordinate representation by government and DoD officials. While DoD encourages other government representatives to attend RAB meetings, these representatives' role will be strictly one of providing information and support.

c. Community Representation. While DoD is not proposing specific procedures to be used for selecting community members of the RAB, DoD notes that one of the most sensitive issues facing installations that establish a RAB concerns the selection of community members. When members of the community feel the selection process for RAB members, particularly of community members, is conducted in an objective and unbiased manner, it enhances their perception that the RAB can be a credible forum for the discussion of their issues and concerns. If the selection of community members is not approached carefully, the result can be a loss of trust.

To support the objective selection of community RAB members, installations will use a selection panel comprised of community members to nominate community RAB members. The Installation Commander in consultation with the state, tribal, and local governments and EPA, as appropriate, will identify community

interests and solicit names of individuals who can represent these interests on the selection panel. The panel will establish and announce the following:

- Procedures for nominating community RAB members,
- Process for reviewing community interest,
- Criteria for selecting community RAB members, and
- List of RAB nominees.

Following the panel nominations, the Installation Commander, in consultation with the state and EPA as appropriate, will review the nominations to ensure the panel fairly represents the local community.

Many installations are located in close proximity to American Indian and Alaska Native communities. While DoD encourages individual tribal members to participate on RABs, RABs in no way replace or serve as a substitute forum for the government-to-government relationship between DoD and federally-recognized tribes, as defined by the most current Department of Interior/Bureau of Indian Affairs list of tribal entities published in the Federal Register pursuant to Section 104 of the Federally Recognized Indian Tribe List Act.

RAB community members should live and/or work in the affected community or be affected by the installation's environmental restoration program. DoD will not limit participation in the RAB of potential members who have or may bid on DoD contracts, if proper and appropriate assurances to avoid any potential conflicts of interest are issued. DoD will, however, apply applicable conflict of interest rules, pursuant to the Federal Acquisition Regulation. DoD will not preclude RAB membership to individuals who are party to a lawsuit against the federal or state government concerning the installation or any of its activities if the individual identifies the fact that he or she is a party to such a lawsuit, agrees not to use any information obtained through their position on the RAB in the lawsuit, and certifies that he or she can fairly represent the interest of the community on whose behalf he or she was selected rather than their own interest in the lawsuit.

At closing installations, members of the LRA, as defined under BRAC, are included as stakeholders and are encouraged to attend RAB meetings. There is not a specific requirement, however, that LRA members be invited to be a member of the RAB.

d. Chairmanship. DoD proposes that chairmanship of the RAB be shared between the installation and the community. DoD believes this will promote partnering between DoD and the community and reflect DoD's commitment to consider the community's concerns when making decisions about the environmental restoration process. Together, the installation and community co-chairs jointly will determine meeting agendas, run meetings, and ensure that issues related to environmental restoration are raised and adequately considered.

e. Compensation for Community Members of the RAB. DoD also is specifying in the proposed rule that the community co-chair and community RAB members are expected to serve without compensation for their services. DoD considers community membership on a RAB to be voluntary, and, therefore, DoD will not pay these members for their participation.

f. Roles and Responsibilities of Members. DoD is not proposing specific requirements concerning the roles and responsibilities of individual members of a RAB. DoD considers the issuance of such regulations to be overly burdensome to the formation and operation of RABs, and, therefore, unnecessary.

B. Operating Requirements

1. Creating a Mission Statement

DoD proposes that each RAB should have a mission statement that articulates the overall purpose of the RAB. DoD considers this necessary to provide focus and objectives for the group. In addition, when members of the RAB understand their mission from the outset, it provides a framework for discussions. Without the framework, discussions may become hampered with issues that are not relevant to the environmental restoration process. The DoD installation co-chair in conjunction with the RAB members will determine the RAB mission

statement. The mission statement should be discussed with the RAB and the DoD installation co-chair will listen to and consider the RAB members' comments before finalizing.

2. Selecting Co-Chairs

DoD proposes that the installation co-chair be selected either by the Installation Commander or equivalent, or defined by military service-specific guidance, while the community members of the RAB will select the community co-chair. DoD considers it necessary for the community members to select their co-chair to ensure their active participation in the operation of the RAB and to help ensure that the RAB can be a credible forum for discussing community issues and concerns.

3. Developing Operating Procedures

DoD considers a formal and agreed-upon set of operating procedures necessary to manage the business of RABs. While DoD will allow each RAB to customize or tailor its operating procedures as it sees fit, DoD proposes that areas that may be addressed in the operating procedures include:

- Clearly defined goals and objectives for the RAB. The DoD installation co-chair will determine the RAB goals and objectives. These should be discussed with the RAB, and the DoD installation co-chair will listen to and consider the RAB members' comments before finalizing the goals and objectives.
- Announcing meetings
- Attendance requirements of members at meetings
- Development and approval procedures for the minutes of RAB meetings
- Meeting frequency and location
- Rules of Order
- The frequency and procedures for conducting training
- Procedures for selecting or replacing the community co-chair and selecting, replacing, or adding community RAB members
- Specifics on the size of the RAB membership and the periods for membership and co-chair length of service
- Review and responses to public comments
- Participation of the public
- Keeping the public informed about proceedings of the RAB.

4. Training RAB Members

DoD is not proposing a requirement for training members of the RAB. DoD believes, however, that RAB members may need some initial orientation training to enable them to fulfill their responsibilities. DoD recommends that the installation should work with EPA, the state, tribes, and environmental groups to develop methods to quickly inform and educate the RAB members and to promote the rapid formation of a fully functioning RAB.[1]

DoD notes that under this proposed rule, only certain types of training will be considered within the scope of administrative support for RABs, and therefore, may be financed using funds allocated to the administrative

[1] Further guidance on training RAB community members may be found in "Restoration Advisory Board Guidelines, DoD/EPA September 1994."

expenses of RABs. DoD further discusses training in context of administrative support eligible for available funding in section IV.C.1.b. of this preamble.

5. Conducting RAB Meetings

a. Public Participation. DoD believes the meeting format of each RAB will vary and be dictated by the needs of the participants. Therefore, DoD is not proposing specific procedures for conducting RAB meetings.[2] All RAB meetings, however, should be open to the public. The installation co-chair should prepare and publish a timely public notice in a local newspaper of general circulation announcing each RAB meeting. Each RAB meeting will be held at a reasonable time and in a manner or place reasonably accessible to and usable by persons with disabilities. Interested persons will be permitted to attend, appear before, or file statements with any RAB, subject to such reasonable rules or regulations that may be prescribed.

b. Nature of Discussions. Regarding the nature of discussions at RAB meetings, the installation will listen and give meaningful consideration to all advice provided by the individual RAB members. While voting or polling the members may facilitate RAB discussions, such votes should be advisory only and not binding on agency decision makers. Group consensus is not a prerequisite for RAB input; each member of the RAB should provide advice as an individual.

c. Meeting minutes. DoD proposes that the installation co-chair, in coordination with the community co-chair, will prepare detailed minutes of each RAB meeting. The RAB meeting minutes will be kept and will contain a record of the persons present, a complete and accurate description of matters discussed and opinions voiced, and copies of all reports received, issued, or approved by the RAB. At the installation's discretion, a court reporter or electronic taping is allowable, whether through live transmission or video or audiotape. The accuracy of all minutes will be certified by the RAB co-chairs. Although not required, DoD recommends that the installation consider mailing copies of the minutes to all community members who attended the meeting and/or to people identified on the installation's community relations mailing list. This is to ensure dissemination of the results to community members and interested parties.

6. RAB Adjournment and Dissolution

In this section of the proposed rule, DoD sets forth requirements for adjourning a RAB, adjournment procedures, dissolving a RAB, dissolution procedures, reestablishing an adjourned or dissolved RAB, and public comment.

a. RAB Adjournment.

(1) Requirements for RAB Adjournment. An Installation Commander may adjourn a RAB when there is no longer a need for a RAB or when community interest in the RAB declines.

Any of the following situations are an indication that it may be appropriate to adjourn the RAB:

- A record of decision has been signed for all DERP sites on the installation.
- An installation has achieved response complete at all sites and no further cleanup decisions are required.
- An installation has all remedies in place. When all environmental restoration decisions have been made and required remedies are in place and properly operating at an installation, the RAB may adjourn or decide to become inactive. The installation (or the designated authority at closure installations) will establish a mechanism to inform the community, including former RAB members, about subsequent actions, such as long-term monitoring and five-year reviews, that may interest the RAB and allow the community to address this information as appropriate. At a minimum, the installation will provide this information to the community through status report mailings, Web sites, or local information repositories.

[2] For further guidance on meeting formats see "Restoration Advisory Board Implementation Guidelines, DoD/EPA September 1994."

- The RAB has achieved its objectives as defined in the RAB Operating Procedures.
- A RAB may become inactive or adjourn if there is no longer sufficient, sustained community interest, as documented by the installation with RAB community members and community-at-large input, to sustain the RAB. The installation will continue to monitor for any changes in community interest that could warrant reactivating or reestablishing the RAB.
- The installation has transferred some or all of its environmental restoration role and responsibility to other entities, such as in the case of privatization, guaranteed-fixed price contracts, and early transfer.

(2) Adjournment Procedures. The Installation Commander should consult with EPA, states, tribes, RAB members, and the local community, as appropriate, regarding adjourning the RAB before making a final decision. The Installation Commander should consider all responses when determining the appropriate action.

If the Installation Commander decides to adjourn the RAB, the Installation Commander will document the rationale for adjournment in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available.

b. RAB Dissolution.

(1) Requirements for RAB Dissolution. An Installation Commander may dissolve a RAB when a RAB is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental cleanup projects as described in IV. A. 1. b. Although Installation Commanders are expected to make every reasonable effort to ensure that a RAB performs its role as efficiently as possible, circumstances may prevent a RAB from fulfilling the intended purpose as described in this rule. When this occurs, the Installation Commander will make a concerted attempt to resolve the issues that affect the RAB's effectiveness. If unsuccessful, the Installation Commander may elect to adjourn the RAB. In making such a decision, if environmental restoration activities are not complete, the Installation Commander should ensure that the community involvement program detailed in the Community Relations Plan provides for continued effective stakeholder input.

(2) Dissolution Procedures. The installation co-chair should consult with EPA and state, tribal and local government representatives, as appropriate, regarding dissolving the RAB. The installation co-chair should notify the RAB community co-chair and members in writing of the intent to dissolve the RAB and the reasons for doing so, and provide the RAB members 30 days to respond in writing. The installation co-chair should consider RAB member responses, and in consultation with EPA and state, tribal and local government representatives, as appropriate, determine the appropriate action.

If the Installation Commander decides to proceed with recommending the RAB for dissolution, the Installation Commander should notify the public of the proposal to dissolve the RAB and provide a 30-day public comment period on the proposal (see section d. Public Comment for further discussion). At the conclusion of the public comment period, the Installation Commander will review the public comments, consult with EPA, state, tribal and local government representatives, as appropriate, and render a recommendation.

The recommendation, responsiveness summary, and all supporting documentation should be sent via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Military Component's Environmental Deputy Assistant Secretary (or equivalent) will notify the Office of the Deputy Under Secretary of Defense (Installations & Environment) (or equivalent) of the decision to approve or disapprove the request to dissolve the RAB and the rationale for that decision.

Once the Military Component's Environmental Deputy Assistant Secretary (or equivalent) makes a final decision, the Installation Commander will document the rationale for dissolution in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available.

c. Reestablishing an Adjourned or Dissolved RAB. An installation may reestablish an adjourned or dissolved RAB if there is sufficient and sustained community interest in doing so and there are environmental restoration

activities still ongoing at the installation. Where a RAB is adjourned or dissolved and environmental restoration activities continue, the installation should reassess community interest at least every 24 months. Reassessment should include, at a minimum, consultation with the chain-of-command, EPA, state, tribes, and the local community, as appropriate, and a 30-day public comment period (see section d. Public Comment for further discussion). Where the reassessment finds sufficient and sustained community interest, the Installation Commander should reestablish a RAB. Where the reassessment does not find sufficient and sustained community interest in reestablishing the RAB, the Installation Commander should document (in a memorandum for the record) the procedures followed in the reassessment and the findings of the reassessment. This document will be included in the Administrative Record for the installation.

d. Public Comment. If a decision is made to dissolve a RAB or reconstitute a dissolved RAB, the Installation Commander will notify the public of the proposal to dissolve or reconstitute the RAB and provide a 30-day public comment period on the proposal. The Installation Commander will notify the public of the decision through publication of a notice in a local newspaper of general circulation and distribute the notice to community members. The installation's Public Affairs Office should have an updated mailing list. At the conclusion of the public comment period, the Installation Commander will review public comments, consult with the RAB, EPA, and state, tribal, or local government representatives, as appropriate, prepare a responsiveness summary, and render a recommendation. The Installation Commander will notify the public of the decision.

7. Documenting RAB Activities

Additionally, the installation will document the relevant information on the activities of a RAB in the Information Repository. These activities will include, but are not limited to:

- Installation's efforts to survey community interest in forming a RAB,
- Steps taken to establish a RAB where there is sustained community interest,
- How the RAB relates to the overall community involvement program, and
- Steps taken to adjourn the RAB.

The records, reports, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each RAB will be available for public inspection and copying at a single, publicly accessible location, such as the information repositories established under the installation's Community Relations Plan, a public library, or in the offices of the installation to which the RAB reports, until the RAB ceases to exist.

To the extent that RAB input is considered in a decision regarding environmental restoration activities, relevant information on the RAB activities will be included in the Administrative Record.

C. Administrative Support, Funding, and Reporting Requirements

1. Administrative Support and Eligible Expenses

a. Administrative Support. The Installation Commander, or if there is no such Commander, an appropriate DoD official, is authorized to pay for routine administrative expenses of a RAB established at an installation (10 U.S.C. § 2705(d)(3)). To implement this provision, this proposed rule requires that the installation provide administrative support to establish, operate, and adjourn a RAB, subject to the availability of funds. Securing ongoing administrative support is especially important for closing or closed installations.

DoD proposes to define the scope of activities that are unique to the establishment and operation of RABs, and therefore eligible as a RAB administrative expense.

b. Eligible Administrative Expenses. In order for an activity to be considered as an eligible RAB administrative cost, the activity must be unique to and directly associated with establishing and operating the RAB. For example, an advertisement for a RAB meeting is an eligible RAB administrative cost. However, producing a fact sheet as part of obtaining a hazardous waste storage permit under RCRA or hosting an installation open

house as specified by the Community Relations Plan under CERCLA, may not necessarily be relevant to a RAB's mission statement or operations. The costs incurred in preparing and distributing such a fact sheet or holding the open house would not be considered administrative support required for a RAB.

While DoD cannot identify all possible examples of activities unique to and directly associated with establishing and operating a RAB, DoD proposes to consider the following activities as typical of administrative support required for a RAB:

- RAB establishment
- Membership selection
- Training if it is unique to and mutually benefits the establishment and operation of a RAB and relevant to the environmental restoration activities occurring at the installation
- Meeting announcements
- Meeting facility
- Meeting facilitators, including translators
- Meeting agenda materials and minutes preparation
- RAB-member mailing list maintenance and RAB materials distribution
- RAB adjournment.

RAB administrative support is for RAB purposes only. RAB administrative expenses do not include general community involvement expenses, such as preparation of public outreach materials, responses to public comment, or repository costs. RAB administrative support does not include efforts to determine community interest in forming a RAB that does not result in the actual formation of a RAB. These items will be categorized as a community involvement expense.

Additional types of expenses ineligible as RAB administrative costs include, but are not limited to:

- Salaries for DoD personnel
- Dedicated equipment such as computers, software, facsimile machines, telephone lines, or electronic mail for community RAB members
- Renting dedicated office space for community RAB members
- Administrative support to community members of the RAB
- Printed stationery and personal business cards
- Temporary duty/travel, conference attendance, or fees, except where prior approval has been granted by DoD
- Compensation to RAB members for meeting attendance, work hours lost, time reviewing and commenting on documents, travel to meetings, or long distance telephone calls.

Training for RAB members is considered an eligible administrative cost if it mutually benefits all members of a RAB and is relevant to the environmental restoration activities occurring at the installation. For example, if the installation were to hold an orientation training for members of a RAB, costs incurred in preparing training manuals, slides, or other presentation materials would be considered an allowable administrative expense because such training is mutually beneficial to all members of the RAB. A type of training that would not qualify as a RAB administrative support includes specialized training for an individual member of a RAB, such

as an off-site workshop on building leadership capabilities. However, DoD notes that types of training that are not eligible for funding as a RAB administrative expense may qualify and be eligible for funding as technical assistance.

c. Funding. The Secretaries of the Military Departments will make funds available for RAB administrative expenses (10 U.S.C. § 2705(g)), subject to the availability of funds. Funds requested for environmental restoration activities that were appropriated to Military Components' ER or BRAC accounts or the ER-FUDS account may be used to provide administrative support to RABs. Such funds should not be used to support the activities of environmental groups or advisory boards in addressing issues other than environmental restoration activities. The Installation Commander is authorized to pay routine administrative expenses of the RABs, in accordance with 10 U.S.C. § 2705(d)(3). The activities of the RAB and expenditures of such funds for administrative expenses will be reported to ODUSD(I&E), at a minimum, on an annual basis.

2. Technical Assistance for Public Participation (TAPP)

Community members of a RAB may request technical assistance from the private sector to assist their understanding of the scientific and engineering issues underlying eligible DoD environmental restoration activities. Technical assistance may be made available to community members of RABs or TRCs in accordance with 10 U.S.C. §2705(e) and the TAPP regulations found at 32 CFR Part 203. RABs may submit TAPP requests to the Installation Commander, or to an appropriate DoD official. The DoD installation may also provide in-house assistance to discuss technical issues.

3. Documenting and Reporting Activities and Expenses

DoD is required to report to Congress on the activities of TRCs and RABs (10 U.S.C. § 2706(a)(2)(J)). In order to fulfill this requirement, this proposed rule requires that the installation at which a RAB has been established document the activities of the RAB and track expenditures for administrative expenses of the RAB. With regards to tracking expenses, DoD recommends that installations tally costs according to the specific activities identified above (see section IV.C. 1.b. of this rule) that are typical of administrative support required for a RAB.

Although this proposed rule requires installations to document RAB activities and track expenditures, DoD is not prescribing specific procedures to accomplish this. In addition, DoD will use internal Department and Military Component-specific reporting mechanisms to obtain required information from installations on RAB activities and expenditures when reporting to Congress.

V. Regulatory Analysis

A. Regulatory Impact Analysis Pursuant to Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), as amended, DoD must determine whether a regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order.

DoD has determined that this proposed rule is not a "significant regulatory" action because it is unlikely to:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, environment, public health, or safety of state, local, or tribal governments or communities;
(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;
(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan program or the rights and obligations of recipients thereof; or
(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

B. Regulatory Flexibility Act

It has been certified that this proposed rule is not subject to the Regulatory Flexibility Act of 1980, 5 U.S.C. § 601 et seq. because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The primary effect of the proposed rule will be to increase community involvement in DoD's environmental restoration program.

C. Paperwork Reduction Act

It has been certified that the proposed rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13).

VI. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, DoD must prepare a statement to accompany any rule where the estimated costs to state, local, or tribal governments in the aggregate, or to the private sector, will be $100 million or more in any one year.

DoD has determined that this proposed rule will not include a federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector.

List of Subjects in 32 CFR Part 202

Administrative practice and procedure, Environmental protection—restoration, federal buildings and facilities, Organization and functions (Government agencies).
Title 32 of the Code of Federal Regulations, Chapter I, Subchapter M, is amended by adding part 202 to read as follows:

PART 202--RESTORATION ADVISORY BOARDS (RABs)

Subpart A—General Requirements

Sec.
202.1 Purpose, scope, definitions, and applicability.
202.2 Criteria for establishment.
202.3 Notification of formation of a Restoration Advisory Board (RAB).
202.4 Composition of a RAB.

Subpart B—Operating Requirements

202.5 Creating a mission statement.
202.6 Selecting co-chairs.
202.7 Developing operating procedures.
206.8 Training RAB members.
206.9 Conducting RAB meetings.
206.10 RAB adjournment and dissolution.
206.11 Documenting RAB activities.

Subpart C—Administrative Support, Funding, and Reporting Requirements

202.12 Administrative support and eligible expenses.
202.13 Technical assistance for public participation (TAPP).
202.14 Documenting and reporting activities and expenses.

Authority: 5 U.S.C. § 551 et seq. and 10 U.S.C. § 2705.

Subpart A—General Requirements

Sec. 202.1 Purpose, scope, definitions, and applicability.

(a) Purpose. The purpose of this part is to establish regulations regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of Restoration Advisory Boards (RABs).
(b) Purpose and scope of responsibilities of RABs. The purpose of a RAB is to provide:
(1) An opportunity for stakeholder involvement in the environmental restoration process at Department of Defense (DoD) installations. Stakeholders are those parties that may be affected by environmental restoration activities at the installation.
(2) A forum for the discussion and exchange of environmental restoration program information between DoD installations, regulatory agencies, and the community.
(3) An opportunity for RAB members to review progress and participate in a dialogue with the installation's decision makers concerning environmental restoration matters. Installations shall give meaningful consideration to the comments provided by the RAB members.
(c) Definitions. In this section:
(1) *Installation* shall include active and closing Department of Defense (DoD) installations and formerly used defense sites (FUDS). (2) *Installation Commander* shall include the Commanding Officer or the equivalent of a Commanding Officer at active installations; the Installation Commander or other Military Department officials

who close the facility and are responsible for its disposal at Base Realignment and Closure (BRAC) installations; or the U.S. Army Corps of Engineers Project Management District Commander at FUDS.
(3) *Tribes* shall mean any federally recognized American Indian and Alaska Native government as defined by the most current Department of Interior/Bureau of Indian Affairs list of tribal entities published in the Federal Register pursuant to Section 104 of the Federally Recognized Tribe Act.
(4) RAB adjournment shall mean when an Installation Commander, in consultation with the Environmental Protection Agency (EPA), state, tribes, RAB members, and the local community, as appropriate, closes the RAB based on a determination that there is no longer a need for a RAB or when community interest in the RAB declines.
(5) RAB dissolution shall mean when an Installation Commander disbands a RAB that is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental restoration projects. Installation Commanders are expected to make every reasonable effort to ensure that a RAB performs its role as efficiently as possible and a concerted attempt to resolve issues that affect the RAB's effectiveness. There are circumstances, however, that may prevent a RAB from operating efficiently or fulfilling its intended purpose.
(d) Other public involvement activities. A RAB should complement other community involvement efforts occurring at an installation; however, it does not replace other types of community outreach and participation activities required by applicable laws and regulations.
(e) Applicability of regulations to existing RABs. The regulations in this part apply to all RABs regardless of when the RAB was established.
(f) Guidance. The Office of the Assistant Deputy Under Secretary of Defense for Environment shall issue guidance regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of RABs pursuant to this rule. The issuance of any such guidance shall not be a precondition to the establishment of RABs or the implementation of this rule.

Sec. 202.2 Criteria for establishment.

(a) Determining if sufficient interest warrants establishing a RAB. A RAB should be established when there is sufficient and sustained community interest, and any of the following criteria are met:
(1) The closure of an installation involves the transfer of property to the community,
(2) At least 50 local citizens petition the installation for creation of a RAB,
(3) Federal, state, tribal, or local government representatives request the formation of a RAB, or
(4) The installation determines the need for a RAB. To determine the need for establishing a RAB, an installation should:
(i) Review correspondence files,
(ii) Review media coverage,
(iii) Consult local community members,
(iv) Consult relevant government officials, and
(v) Evaluate responses to notices placed in local newspapers.
(b) Responsibility for forming or operating a RAB. The installation shall have lead responsibility for forming and operating a RAB.
(c) Converting existing Technical Review Committees (TRCs) to RABs. In accordance with 10 U.S.C. § 2705(d)(1), a RAB may fulfill the requirements of 10 U.S.C. § 2705(c), which directs DoD to establish TRCs. DoD recommends that, where TRCs or similar advisory groups already exist, the TRC or similar advisory group be considered for conversion to a RAB, provided there is sufficient and sustained interest within the community.

Sec. 202.3 Notification of Formation of a Restoration Advisory Board (RAB).

Prior to establishing a RAB, an installation shall notify potential stakeholders of its intent to form a RAB. In announcing the formation of a RAB, the installation should describe the purpose of a RAB and discuss opportunities for membership.

Sec. 202.4 Composition of a RAB.

(a) Membership. At a minimum, each RAB shall include representatives from DoD and the community.
(1) Government representation. The RAB may also include representatives from the EPA at the discretion of the Administrator of the appropriate EPA regional office, and state, tribal, and local governments, as

appropriate. At closing installations, representatives of the BRAC Cleanup Team (BCT) may also serve as the government representative(s) of the RAB.
(2) Community representation. RAB community members should live and/or work in the affected community or be affected by the installation's environmental restoration program.
(b) Chairmanship. Each RAB established shall have two co-chairs, one representing the DoD installation and the other the community. Co-chairs shall be responsible for directing and managing the RAB operations.
(c) Compensation for community members of the RAB. The community co-chair and community members serve voluntarily; therefore, DoD will not compensate them for their participation.

Subpart B—Operating Requirements

Sec. 202.5 Creating a mission statement.

The DoD installation co-chair in conjunction with the RAB members shall determine the RAB mission statement.

Sec. 202.6 Selecting co-chairs.

(a) DoD installation Co-chair. The DoD installation co-chair shall be selected by the Installation Commander or equivalent, or in accordance with Military Service-specific guidance.

(b) Community Co-chair. The community co-chair shall be selected by the community members of the RAB.

Sec. 202.7 Developing operating procedures.

Each RAB shall develop a set of operating procedures. Areas that should be addressed in the procedures include:
(1) Clearly defined goals and objectives for the RAB, as determined by the DoD installation co-chair in consultation with the RAB.
(2) Announcing meetings.
(3) Attendance requirements of members at meetings.
(4) Development and approval procedures for the minutes of RAB meetings.
(5) Meeting frequency and location.
(6) Rules of order.
(7) The frequency and procedures for conducting training.
(8) Procedures for selecting or replacing co-chairs and selecting, replacing, or adding RAB members.
(9) Specifics on the size of the RAB, periods of membership, and co-chair length of service.
(10) Review and responses to public comments.
(11) Participation of the general public.
(12) Keeping the public informed about proceedings of the RAB.

Sec. 202.8 Training RAB Members.

Training is not required for RAB members. It may be advisable, however, to provide RAB members with some initial orientation training to enable them to fulfill their responsibilities. Funding for training activities must be within the scope of administrative support for RABs, as permitted in Section 202.12 of this rule.

Sec. 202.9 Conducting RAB Meetings.

(a) Public participation. RAB meetings shall be open to the public.
(1) The installation co-chair shall prepare and publish a timely public notice in a local newspaper of general circulation announcing each RAB meeting.
(2) Each RAB meeting shall be held at a reasonable time and in a manner or place reasonably accessible to and usable by persons with disabilities.
(3) Interested persons shall be permitted to attend, appear before, or file statements with any RAB, subject to such reasonable rules or regulations as may be prescribed.
(b) Nature of discussions. The installation shall give meaningful consideration to all comments provided by the individual RAB members.

(c) Meeting Minutes. The installation co-chair, in coordination with the community co-chair, shall prepare detailed minutes of each RAB meeting.
(1) The RAB meeting minutes shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and comments received, and copies of all reports received, issued, or approved by the RAB. The accuracy of all minutes shall be certified by the RAB co-chairs.
(2) The records, reports, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each RAB shall be available for public inspection and copying at a single, publicly accessible location, such as the information repositories established under the installation's Community Relations Plan, a public library, or in the offices of the installation to which the RAB reports, until the RAB ceases to exist.

Sec. 202.10 RAB Adjournment and Dissolution.

(a) RAB adjournment.
(1)Requirements for RAB adjournment. An Installation Commander may adjourn a RAB when there is no longer a need for a RAB or when community interest in the RAB declines. Any of the following situations are an indication that it may be appropriate to adjourn the RAB:
(i) A record of decision has been signed for all DERP sites on the installation.
(ii) An installation has achieved response complete at all sites and no further cleanup decisions are required.
(iii) An installation has all remedies in place.
(iv) The RAB has achieved the desired end goal as defined in the RAB Operating Procedures.
(v) There is no longer sufficient, sustained community interest, as documented by the installation with RAB community members and community-at-large input, to sustain the RAB. The installation shall continue to monitor for any changes in community interest that could warrant reactivating or reestablishing the RAB.
(vi) The installation has transferred some or all of its environmental restoration role and responsibility to other entities.
(2) Adjournment procedures. If the Installation Commander is considering adjourning the RAB, the Installation Commander shall:
(i) Consult with the EPA, state, tribes, RAB members, and the local community, as appropriate, regarding adjourning the RAB and consider all responses before making a final decision.
(ii) Document the rationale for adjournment in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available, if the Installation Commander decides to adjourn the RAB.
(b) RAB dissolution.
(1) Requirements for RAB dissolution. An Installation Commander may dissolve a RAB when a RAB is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental restoration projects as described in Section 202.1(b)
(2) Dissolution procedures. If the Installation Commander is considering dissolving the RAB, the Installation Commander shall:
(i) Consult with EPA, state, tribal and local government representatives, as appropriate, regarding dissolving the RAB.
(ii) Notify the RAB community co-chair and members in writing of the intent to dissolve the RAB and the reasons for doing so and provide the RAB members 30 days to respond in writing. The Installation Commander shall consider RAB member responses, and in consultation with EPA, state, tribal and local government representatives, as appropriate, determine the appropriate action.
(iii) Notify the public of the proposal to dissolve the RAB and provide a 30-day public comment period on the proposal, if the Installation Commander decides to proceed with dissolution. At the conclusion of the public comment period, the Installation Commander will review the public comments, consult with EPA, state, tribal and local government representatives, as appropriate, and render a recommendation.
(iv) Send the recommendation, responsiveness summary, and all supporting documentation via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Military Component's Environmental Deputy Assistant Secretary (or equivalent) shall

notify the Office of the Deputy Under Secretary of Defense (Installations & Environment) (or equivalent) of the decision to approve or disapprove the request to dissolve the RAB and the rationale for that decision.
(v) Document the rationale for dissolution in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available, once the Military Component's Environmental Deputy Assistant Secretary (or equivalent) makes a final decision.
(c) Reestablishing an adjourned or dissolved RAB. An Installation Commander may reestablish an adjourned or dissolved RAB if there is sufficient and sustained community interest in doing so and there are environmental restoration activities still ongoing at the installation. Where a RAB is adjourned and environmental restoration activities continue, the Installation Commander should reassess community interest at least every 24 months. Where the reassessment finds sufficient and sustained community interest, the Installation Commander should reestablish a RAB. Where the reassessment does not find sufficient and sustained community interest in reestablishing the RAB, the Installation Commander shall document in a memorandum for the record the procedures followed in the reassessment and the findings of the reassessment. This document shall be included in the Administrative Record for the installation.
(d) Public comment. If a decision is made to dissolve a RAB or reconstitute a dissolved RAB, the Installation Commander shall notify the public of the proposal to dissolve or reconstitute the RAB and provide a 30-day public comment period on the proposal. At the conclusion of the public comment period, the Installation Commander shall review public comments, consult with EPA, and state, tribal, or local government representatives, as appropriate, prepare a responsiveness summary, and render a recommendation. The recommendation, responsiveness summary, and all supporting documentation should be sent via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Installation Commander shall notify the public of the decision.

Sec. 202.11 Documenting RAB activities.

The installation shall document information on the activities of a RAB in the Information Repository. These activities shall include, but are not limited to:
(a) Installation's efforts to survey community interest in forming a RAB
(b) Steps taken to establish a RAB where there is sustained community interest
(c) How the RAB relates to the overall community involvement program, and
(d) Steps taken to adjourn the RAB.
When RAB input has been used in decision-making, it should be documented as part of the Administrative Record.

Subpart C—Administrative Support, Funding, and Reporting Requirements

Sec. 202.12 Administrative support and eligible expenses.

(a) Administrative support. Subject to the availability of funding, the installation shall provide administrative support to establish and operate a RAB.
(b) Eligible administrative expenses for a RAB. The following activities specifically and directly associated with establishing and operating a RAB shall qualify as an administrative expense of a RAB:
(1) RAB establishment.
(2) Membership selection.
(3) Training if it is:
(i) Unique to and mutually benefits the establishment and operation of a RAB, and
(ii) Relevant to the environmental restoration activities occurring at the installation.
(4) Meeting announcement.
(5) Meeting facility.
(6) Meeting facilitators, including translators.
(7) Preparation of meeting agenda materials and minutes.
(8) RAB-member mailing list maintenance and RAB materials distribution.
(c) Funding. Subject to the availability of funds, administrative support to RABs may be funded as follows:

(1) At active installations, administrative expenses for a RAB shall be paid for using funds from the Military Component's Environmental Restoration accounts.
(2) At BRAC installations, administrative expenses for a RAB shall be paid using BRAC funds.
(3) At FUDS, administrative expenses for a RAB shall be paid using funds from the Environmental Restoration account for the Formerly Used Defense Sites program.

Sec. 202.13 Technical assistance for public participation (TAPP).

Community members of a RAB or TRC may request technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and environmental restoration activities conducted, or proposed to be conduct at the installation in accordance with 10 U.S.C. §2705(e) and the TAPP regulations found at 32 CFR Part 203.

Sec. 202.14 Documenting and reporting activities and expenses.

The installation at which a RAB is established shall document the activities and record the administrative expenses associated with the RAB. Installations shall use internal department and Military Component-specific reporting mechanisms to submit required information on RAB activities and expenditures.

Dated: DATE TBD

Patricia L. Toppings
Alternate OSD Federal Register Liaison Officer, Department of Defense
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Innovative Technical Solutions, Inc.

Letter of Transmittal

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